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THE BASIC ASPECT OF HITTITE RELIGION

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E religions of ancient Western Asia, though presenting in ail a number of differences, agree in their conception of the ation between man and god. This is the same relation that sts between the servant and his master, or between the sub- t and his king or prince. According to the religions of ancient stern Asia, man had to serve his god, his king and his mas- , and this service constituted his religion.[1] In fact, man was ated solely to serve god, and all his life therefore was but a ies of religious acts in the service of his god.[2] The religious ts of all palaeo-oriental nations afford us ample proofs that s was the fundamental principle of their religion. I refer to nitic nations, that is, to those who spoke Semitic languages,[3]

It would be an error to think that this concept is Semitic, in other words, that it is acteristic and exclusive of Semitic nations. It is found also among the Sumerians, Egyptians, the Hittites, the Hurrians, the Elamites, the Persians.

That men were created by the gods for their service is mentioned expressly in the ma.ēliš, VI, 32–33: *i-na da-mi-šu ib-na a-me-lu-tu|i-mi-id du-ul-li ilū-ma um-taš-šer*, his blood he has made mankind, he imposed (on it) the service of the gods (and) eed (them), G. Furlani, Il Poema della Creazione (Bologna, 1934), p. 103; R. Labat, 'oème babylonien de la Création (Paris, 1935), p. 146. The passage must be under- d in the sense that Ea forms humanity to free certain gods, guilty of having fol- d Tiāmat in her foolish rebellion and therefore deserving of the punishment of ng to serve the other gods. With the idea of restoring perfect peace in the pantheon out submitting one part of it to the other, the rebel gods to those victorious, Ea ed humanity to lay this charge on it, the service of the gods, i.e. the rebel gods. e is not the slightest doubt, therefore, according to this myth, that humanity bears consequences of a fault, not its own, but of that part of the gods who had rebelled were defeated. Man must serve the gods because originally a part of the gods had led and were then beaten by Marduk and his followers. This without doubt was heory of the Babylonians concerning the creation of mankind.

With regard to the Babylonians and Assyrians, reference can be made to my book, eligione dei Babilonesi e Assiri, I–II (Bologna, 1928–1929), in which I often have sion to mention this concept. On the Semites in general see W. W. von Baudissin,

or to peoples of other tongues: the Sumerians or the Phoe
cians, the Hittites or the South Arabs. All these saw divini
in masters, princes, or kings who had man as subject
servant.

The relation between man-servant and god-prince is e
plained in its different aspects in full detail in certain Hitti
texts. In no other literature of the Ancient East do we find
clear and detailed an exposition of the nature of that relatio
This circumstance might lead to the supposition that among t
Hittites the concept of man as the servant of god had been d
veloped and elaborated more deeply and fully than among t
other palaeo-oriental nations, and that therefore the Hittites f
themselves to be more particularly servants of god than oth
Eastern nations. We are of the opinion that such a supposit
would be erroneous or at least would have no solid foundatio
because it is probable that only by the merest chance there h
been preserved in the Hittite language itself a quasi-theologic
text dealing with this aspect of Eastern religion, while no su
text is extant in Babylonian, Phoenician, or cognate languag
In other words, it seems improbable that the Hittite text, whi
we shall cite and explain in the following pages, proves that t
concept god-prince and man-servant is exclusively of Hitti
origin, or is an integral part of the religious mentality of t
Hittites, while being adventitious among the other palae
oriental nations and not forming the center of their religio
life. However this may be, it is certain that the Hittites had
very clear idea of the nature of the relation which bound the
to their gods and which they assimilated to, and even identifi
with, the relation between master and servant. Indeed, so gre
was their familiarity with this concept that they even made it
subject of abstract examination.

The Hittite text, in which the concept of god-master and
man his servant is explained at length, forms part of a treatise

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Kyrios als Gottesname im Judentum und seine Stelle in der Religions-geschicl
(Giessen, 1927 et seq.), and also O. Eissfeldt, Götternamen und Gottesvorstellung
den Semiten, ZDMG, LXXXIII (1929), 33–36. For the Hittites see A. Götze, I
Pestgebete des Muršiliš, Kleinasiatische Forschungen, I (1929), 161–251, p. 1
G. Furlani, La religione degli Hittiti (Bologna, 1936), 118–125.

red law, which deals with the duties and obligations incum-
ıt upon the ministers of the temples of the gods and on all
ɔse belonging to them.[4] It bears the following title: (The first
ɔlet) of the duties of all the men of the temple, of the cooks of
gods, of the peasants of the gods, of the herdsmen of the
ls, and of the shepherds of the gods.[5] The term "duties"
"obligations" is expressed by the Hittite word *išḫiulāš*,
ich means "obligation" or "binding," and therefore a "con-
ct, duty, obligation." Our text calls those attached to the
ıples, or those employed in them, by the Sumerian ideogram
.MEŠ É DINGIR-*LIM*. These include the priests in the
ict and exact meaning of the word, as well as those engaged
duties of a more administrative and economic character: thus
ncludes, as the title itself says, cooks (of whom there were
eral orders in the temples of the Hittites), peasants who tilled
fields belonging to the god, i.e. to the temple, herdsmen who
ked after the cattle and livestock, shepherds and all those
ployed in any other kind of work connected with the temple.
the text mention is made of other lower functionaries, all in
re or less direct service of the divinity and all held in-
pensable to the proper functioning of the temple and the
rying on of its multiform life. From this it may be seen that
smuch as these functionaries, artisans, and workmen were
ployed together with the priests in the service of the god
y were in reality servants of the divinity. It is not surpris-
, therefore, that the Hittite text considers them as standing
the same level as servants stood with regard to their Hittite
sters. It is further known, as we have said, that among all
nations of the ancient East man is considered as the servant
ıis god. It is therefore a matter of no surprise that our text

I quote and follow the latest edition by E. H. Sturtevant and G. Bechtel, A Hittite
estomathy (Philadelphia, 1935), 148–174, where the text in cuneiform characters
und in transliteration and in the English version, with a commentary principally of
ilological character. I have dealt with this text at some length from the point of
of religion in my article Sul testo hittita "I doveri degli adetti ai templi,"
li e Materiali di Storia delle Religioni XIV (1938), 82–130.

This is not really the title but the subscription of the first table of the series, which
e only one extant, but it is very probable that this was also the title of the series.
the sub-title see Sturtevant and Bechtel, Chrestomathy, 166 and 167.

elaborates down to the smallest particulars the concept of man as the servant of god.

The passage in question consists of thirteen lines of Article II of the above-mentioned text, and follows immediately on the dispositions of line 20. Article XIV is in part a doublet of Article II. Article XIV does not contain, however, the disquisition on god the master and on man his servant, as in Article II; in fact, immediately after line 67 (which in its contents corresponds more or less to line 20 of Article II) the unknown author goes on to discuss another argument. In the whole of our text, therefore, of which we may say in passing that only the first tablet has been preserved, it is Article II alone which deals with the matter under discussion. In the preceding lines of this Article there is a discussion of the physical and cultural purity which must be found in the bakers of the temples and in those places where the bread intended for the divinity is made.[6] The author takes his cue from the words of these lines to enlarge upon the relation between god and man, between the people (Sumerian UKÙ) and the gods (Sumerian DINGIR.MEŠ). This disquisition goes from line 21 to line 33, which is the last line of the Article in question.

I wish first of all to give a translation of it and then explain and comment on it.

21. Is perhaps the mind (ZI) of the people [7] (UKÙ) and of the gods really different? No. (Is it different) somewhat in this? No.

22. The mind is the same (I-*aš-pit*). When a slave (ERUM) stands before his master (EN–*ŠU*)

23. he (must) be washed and must wear clean clothes

24. and he gives him to eat or he gives him to drink.

25. And then he, (i.e.) his master, eats and drinks something

26. and he is refreshed in mind and is gracious [8] towards him.

[6] On purity and on the lustrations of the Hittites see Furlani, Religione, 233–242.

[7] On the meaning of ZI, mind, in this and in some other passages of the same text, see Furlani, Sul testo, 127–128.

[8] Some of the terms occurring in our text are of uncertain meaning. See on this subject the notes of Sturtevant on the passage.

27. If, however, he (the servant) is neglectful [9] and is not
alous [10]
28. then (his) mind towards him is different. If the servant
ves annoyance to his master
29. then one kills him, one mutilates his nose, his eyes,
30. his ears. He (the master) seizes him (the servant), his
fe, his children,
31. his brother, his sister, his relatives, his descendants, be
ey male or female slaves.
32. Then one disgraces him in public [11] and one takes no
count of him.
33. If he should die, he does not die alone but his descend-
ts are placed with him.[12]

The object of these lines is to explain that the mind, or to be
ore exact the disposition of mind, that the god has towards
an is exactly the same as that which the master has towards
s servant, in other words, that the relations between god and
an are equal to those existing between master and servant.
y mind, ZI,[13] as is mentioned in the text, meaning disposition
mind, one must understand those spiritual relations which
nd the master to his servant and the servant to his master.
ne text means that man acts towards his god in the same way
the servant acts towards his master, and thus god stands in
e same relation to man as the master to his servant. There-
re the text says that the mind is "the same," in fact literally
t is one" (22). With these words the unknown author of these
es wishes to explain the provisions for sacred rites immedi-
ely preceding which require that those who prepare the bread
r the gods must be clean, well washed, and wear clean clothes;

[9] The text says *IGI-wa-an-na-an-za*, which is a Hittite term written with a Sumerian
ogram supplied with a Hittite ending. The Hittite word should have as root *šaku-*
ana-, according to Sturtevant, A Hittite Glossary (Philadelphia, 1936), 129. But
meaning is not certain.

[10] The text has the verb *ḫa-an-ḫa-ni-ya-i* preceded by two small oblique wedges,
ich means that the word is not Hittite but foreign. Sturtevant in Glossary, 41,
nslates by "observes, is observant."

[11] *Pár-ra-an-da*. For the meaning of this term cf. Sturtevant, Glossary, 119, and the
sages of Friedrich there mentioned.

[12] That is to say it dies with him.

[13] For the meaning of this term see Furlani, Sul testo, 127–128.

also the place where the bread is prepared must likewise
clean and not contaminated by any unclean animal (14–20 a
XIV, 58–67).

As therefore the servant, when he serves his master, must
clean and wear clean clothes, so too the baker of the temple mu
be clean and pure when he prepares the bread for the divinit
in a larger sense the priest, who is the direct servant of the
vinity, must be clean and pure when he offers him to eat a
must also wear clean clothes. In a still larger sense this appl
to man in general, whose life according to the well-known palae
oriental idea must be wholly dedicated to the divinity and mu
be in reality nothing but divine service.

From this comparison of the relation between master a
servant our text draws other important conclusions. If t
servant gives his master to eat and drink and is clean, and if t
master eats and drinks and sees that his servant's service
perfect, then he is gracious towards him (23–26), and therefo
the servant (though the text does not expressly say this) c
easily obtain some reward and favor from his master. Such t
was to be the behavior of the priest and of man in gene
towards god; if he serves him well and shows him respect he m
hope to obtain grace and reward. If, however, the servant do
not do his duty worthily towards his master but shows hims
negligent and disobedient, if in fact he does not perform
service in a perfect manner, then his master's dispositi
towards him is different; he is no longer gracious and benev
lent and does not reward him (27). In like manner god sho
himself towards his priest or towards those employed in t
temple or to a man who is lacking in zeal and respect. In th
case the priest or the man cannot hope for the benevolen
of the divinity.

And if it happens that the servant disobeys his lord, does n
follow his commands and completely offends him by his b
havior, then his master either kills him as a sign of punishme
or he cuts off his ears or his nose, or he pulls out his eyes,
again the master may call him to account for what he has do
and not only the servant but also his wife, his children,
brothers, sisters, all his relatives even those on his wife's si

a word, his whole family including the servants and slaves be
ey male or female, all his descendants of whatever degree [14]
8–31). Nor is this all: the master inflicts on him some defam-
g punishment, that is, he humiliates him publicly till he makes
n feel he is less than nothing, so that he may make amends
his fault, and if his failure towards his master has a criminal
pect, the latter kills him together with his whole family, as we
ve seen (32–33). Identical is the method of the god when
yone of his faithful shows him little respect or commits a
me against him (III. 34). The god's method in this case, a
thod exactly similar to the one just now described regarding
e master, our text describes in Article III. If therefore any-
e (*ku-iš*), not only a priest or one employed in the temple's
vice, but any man, worshipping that certain god, shows him-
f contrary to the divinity, commits an offence against his
d, is flagrantly inimical to the god, he is punished together
th his wife, his children, his descendants, his family, all his
ves and servants, male and female, and even his cattle, big
d small, and his crops, and finally he is destroyed completely
6–37).

The text therefore quite rightly concludes its brief disqui-
ion on god and man and on the master and his servant with
e warning and exhortation to those employed in the temple
have the highest regard for god and to submit to his orders
NIM, III, 38).

This then is the disquisition of our text on the relation be-
een man and god, a disquisition which, as may be inferred
m what has been said already, is a long and detailed com-
rison. As in very many other manifestations of the religious
of the Hittites, so too in this fundamental point of their
gion, god and the life of god are conceived entirely according
the nature and life of man.[15] This principle has found among
Hittites a theoretical and systematic elaboration, as the

[14] This instance of penal co-responsibility, both in the sacred and the profane law of Hittites, is not the only one in Hittite literature. I shall soon deal with this where.

[15] For the deep anthropomorphic character of the Hittite theology cf. Furlani, gione, 24–25, and La religiosità degli Hittiti, Scientia, XXXI, 332–339.

text we have just examined demonstrates. The Hittites knew very well that relations with the divinity must be conceived and developed along the lines of human relations and to explain this and to expound it more fully they adduced, therefore, these human relations. They were, however, entirely aware of the anthropomorphic nature of their theology and fully alive to its implications and consequences.

We have said that the passage just quoted is a long comparison, rich in many particulars. We may add that it is too an intuitive comparison, and no Hittite could have failed to grasp and understand it at once, because it referred to concepts and ideas which were not at all strange to him. If this were not so, it would have been useless to bring in such a comparison and use it as an explanation. This shows that the relation master-servant was a very common motif, almost a commonplace in the everyday life of the Hittites. But it also shows that the Hittites loved comparisons. This is confirmed by passages in other Hittite texts. In such writings, we observe comparisons used to render some concept more clear.[16] It is enough to mention the three beautiful comparisons which king Muršiliš II makes in a prayer on the occasion of the twenty year plague which brought the country of the Ḫatti almost to the brink of ruin.[17] Of the three comparisons of Muršiliš II the first mentions a bird who seeks refuge in its nest,[18] but this does not interest us now as it has nothing to do with the motif of master and servant. The second and third comparisons, however, deal with this latter motif. They also refer this motif to god and his faithful servant, in this present case to the divinity invoked and to Muršiliš II.

The second comparison says [19] that when a servant finds himself in difficulties he goes to his master with a prayer. The master listens to him and is kind to him. He helps him in his

[16] See on this subject my remarks in Muršiliš II e il concetto del peccato presso gli Hittiti, SMSR, X, 29, n. 2, where I mention other instances of comparisons, or parables, since in certain parts the comparisons resemble parables.

[17] This refers to the Second Prayer, published by A. Götze in Die Pestgebete des Muršiliš, 204–219.

[18] Second Prayer, X, 3.

[19] I have mentioned and discussed this comparison in Muršiliš II, 28. In the Prayer it comes in line X, 4.

uble. The servant is Muršiliš and the master is the god. e former is oppressed by the anger of god, provoked by the s committed by his father Šuppiluliumaš and by the Hittites d he begs that he may be relieved of this sorrow. God will tainly help him and will be kind again to him. One should tice that the text quoted above refers to the same circum- nce: the benevolence of the god-master toward the man- vant and his anger and the attendant punishment.

The third comparison or parable [20] is on the same lines.[21] If e servant has committed any fault and confesses it to his ster, the latter can do with him as he pleases. However, as e servant has confessed his fault, the master is placated and does not punish his servant. The servant who confesses his lt is, of course, Muršiliš, the master who accepts his servant's nfession with kindness and benevolence is the god of the mple. Therefore god will not punish Muršiliš any more, but ll pardon him. In this comparison also we have the benevo- nt attitude of god towards his servant, or the opposite.

From a study of these comparisons, which are properly para- es, for they illustrate by means of allegory some truth or straction, there emerges clearly, to our view, the fact that the ttites were extremely familiar with the motif of the god- ster or lord and of the faithful man-servant and of the be- volence of the former towards the latter when his anger is peased. How common this motif was is shown by the con- nt use the Hittites made of it to help them clarify other ncepts.

We think we have thus shown that the Hittites conceived the ation between god and man in exactly the same way as that tween master and servant. Now this idea is at the basis of most all the religious life of the Hittites of historical times, or those times knowledge of which is given us by the texts itten in cuneiform characters found in the ruins of Boğazköy. In the periods prior to this the Hittites, of course, did not

[20] Second Prayer, X, 5; Furlani, Muršiliš II, 28–29.

[21] This comparison is important also for the Hittite doctrine on sin and on con- ion. For this latter doctrine see R. Pettazzoni, La confessione dei peccati, III logna, 1936), 45; Furlani, Religione, 359.

conceive the relation between god and man on these lines, but it is evident that they did so interpret it in that epoch of their religious history which we know. I have said that this idea is basic. In fact almost all the many aspects of the Hittite religion are derived from this principle. It is fundamental and all other manifestations of their religion are but corollaries of it.[22]

The confession of sins is the admission of the servant's fault to his master, as is easily seen from the third comparison of the prayer of Muršiliš. But all the doctrine of sin among the Hittites is a logical result of this idea. What in fact is sin? It is the transgression of the servant, of the believer, of the subject, to the commands and laws of the master, the lord, and the prince.[23]

In fact, the god-master issues orders and commands which become sacred laws and determine the destiny of every man-servant. All sacred legislation therefore is easily understood, and at its basis stands this very concept of god-master; the sacred laws and indirectly also the laws made by the earthly king [24] are merely the commands of god put in writing. On the other hand, the god-master decrees for every man-servant of his the duty and work he has to perform in life. And thus the doctrine of destiny and its application to men on the part of god is just a corollary of the principle already enunciated several times.

The servant and subject must uphold his master and prince, and this explains the sacrifice, which, according to the Hittites and other races of ancient Western Asia, was the service of

[22] By this I do not mean to affirm at all that the whole of the Hittite religion is to be brought back to this fundamental concept; far from this, I am convinced that still other principles have contributed to form that whole so rich in religious motifs which is the religion of the Hittites of historical times, the only one at present accessible to us. There must certainly have been in their religion a period which had not developed so clear a conception of the relation of service between man and god. There is no doubt that this conception was formed, developed, and better outlined with the progress of time.

[23] Furlani, Religione, 347–348.

[24] From the Hittite texts published up to the present there is no evidence, as far as I know, that the Hittites considered also the profane laws as coming from god, though this is very probable, for according to the Hittite idea the king is the representative and vicar of god on earth.

eals for the divinity.[25] Man therefore gives his god to eat and ves him at the table and at his ritual toilet. He must further er him all that he needs. This explains all the offerings that e Hittites felt themselves bound to make to their gods. The ctrine of sacrifice, of offerings and of personal service to god s in perfectly with our motif.

Still other aspects of the Hittite religion can be referred to is principle. The servant or subject must construct the dwell- g or palace for his lord. Thus men must build temples for eir gods in which these latter may dwell and give ear to their thful, in which they can impart their orders for the adminis- ation of the world, listen to the prayers of their subjects — en the prayer is but an aspect of our principle -- pronounce eir judgments on the behavior of the servant-subjects, either warding or punishing them — all the judicial activity of the vinity derives from the principle god-master — and listen to eir confessions and defence.[26]

A servant more zealous than others in the fulfilment of his ties and who executes the orders of his master with greater votion and obedience is protected much more, is looked upon th a benevolent eye, and is open to the favor which enables n to succeed in everything he does. Thus god, satisfied with e life of his faithful servant, grants him his protection and ides him always and everywhere during his life, as is shown ry clearly in the life, full of divine intervention, of the pious ng Ḫattušiliš III of Ḫatti who was always conscious of the p given him by his goddess Ištar of Šamuḫa in the various cumstances of life.[27]

The servant above all owes respect to his master and must be voted to him. All that the Hittite religion prescribes to its thful, i.e. to demonstrate these sentiments towards the divin- , fits in with our principle and includes therefore those pects of offerings, sacrifice, and divine service which are gen-

[25] On sacrifice among the Hittites see Furlani, Religione, 292–346.

[26] I have spoken on the judicial activity of the Hittite gods in Il giudizio del dio a dottrina religiosa degli Hittiti, Revue Hittite et Asianique, V (1935), 30–44.

[27] The king has described the interventions of the goddess, in his autobiography, ut which, as far as regards religion, see Furlani, Religione, 126–137, and in regard olitics L'apologia di Hattušiliš III di Ḫatti, Aegyptus, XVII (1937), 65–97.

erally manifestations of such sentiments. The love man bea towards god, all his emotions and his religious sentiments, fact, all his religious inner life is modelled on that inner a spiritual life of the servant in relation to his master which co stitutes the basis of this relation. Externally and internal the Hittite feels that he is the servant of god completely a entirely. To the Hittite religious life was truly a divine servi in the strictest and most perfect meaning of these two words

We believe we have shown that the Hittites had a full co sciousness of the nature of such a relation and that they debat it theoretically in order to translate it better into practice in t religious life of every day.

WAS BEDE THE AUTHOR OF A PENITENTIAL?

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IE recent publication of the more important medieval hand-oks of penance in an English version raises afresh the often puted question, whether the Venerable Bede was the author compiler of a penitential.[1] What may be called the positive idence that he did so is slight. In, or soon after, 906 Regino of üm composed his treatise, De synodalibus causis et disciplinis clesiasticis, in which he refers by name to the penitentials of shop Theodore and of the Venerable Bede. In the second ace, there still survive several nearly related penitentials ich are ascribed to Bede in the extant manuscripts.[2] How-er, this ascription to Bede carries little weight, if unsupported other evidence. For several centuries after his death his au-ority as a theologian ranked next to that of the four Latin ctors and the list of works going under his name, but not by n, is long. Nor is Regino's testimony unimpeachable, for his quaintance with Bede's writings was not extensive. He does t seem to have used the theological works when composing e De synodalibus causis; and, though he did, when compiling Chronica, make use of the chronicle inserted by Bede in the temporum ratione, he did not consult the Ecclesiastical story. Had he been familiar with that basic work on British tory, he would assuredly have drawn on it, as so many others l. He would also have found in 5, 24 Bede's own list of his itings. Thus we may suspect that Regino attributed a nitential to Bede merely on the strength of a rubric in a nuscript, and we shall do well to query the accuracy of his tement, unless corroborated by other proofs.

Of the extant penitentials bearing Bede's name the one that s most claim to be considered his was published nearly forty

[1] John T. McNeill and Helena M. Gamer, Medieval Handbooks of Penance (Records Civilization, No. xxix; Columbia University Press, 1938). The penitential here ussed will be found on pp. 217–233.

[2] Miss Gamer, who is responsible for an excellent discussion of the MSS in the Intro-tion, gives a complete list of them in Appendix V. For the MSS containing various itentials going under Bede's name see pp. 435–436.

years ago by Dom Bruno Albers.[3] Many of Albers' argument and assumptions were, however, subjected to severe criticism by W. von Hörmann, and these, as well as the contributions of other scholars to the controversy, have been conveniently summarized by Mr. McNeill.[4] Here it is only necessary to touch on one of the points raised by Albers. The one argument that he could bring forward to sustain his view that the penitential in MS Barberinianus lat. 477 (s. x) was of early date was based on the occurrence at the end of eight canons from the Lateran Council held in 721 and on a reference to a decretal of Gregory II — 'item ex decreto pape gregorii iunioris qui nunc regit manam catholicam regit matrem ecclesiam.' But since these decretals and the allusion to Gregory II in slightly different wording also occur in the so-called Poenitentiale Martenianum as von Hörmann first pointed out, it is by no means certain that they belonged originally to the penitential ascribed to Bede, for they might have been added later from another document. Moreover, no one, so far as I am aware, has questioned the latinity of the phrase quoted above; yet it should arouse the suspicions of any one familiar with Bede's language. In the Ecclesiastical History Bede refers some eighteen times to the Roman Church but never in these terms. *Romana ecclesia, sancta romana et apostolica ecclesia, sedes romanae et apostolicae ecclesiae, sancta romana ecclesia, romana et apostolica sedes*, these are the turns of phrase that he employs, and once (E. H. 3, 29) we read, *quia romana esset catholica et apostolica ecclesia.* Similarly, when commenting in the Retractatio on Acts 19, 12, he alludes to Gregory II, *qui nunc est apostolicae sedis antistes.* In the De temporum ratione he refers to *sancta romana et apostolica ecclesia* and in the chronicle calls Gregory I *romanae ecclesiae pontifex*,[5] although most of the many mentions in the chronicle of the Roman Church and its bishop are copied by Bede directly from his sources. In the following entry the third sentence is taken verbally from the Liber Pontificalis:[6]

[3] Archiv für katholisches Kirchenrecht 81 (1901), pp. 393–420.

[4] McNeill, op. cit., pp. 217–221.

[5] Migne, Patr. Lat. 90, 494B; Mon. Germ. Hist.: Chron. Min. III, para. 530.

[6] Chron. Min. III, pp. 309–310.

eas an. VIII.

ius secundo anno indictione VIII Gregorius papa migravit ad dominum. , rogante papa Bonifatio, statuit sedem romanae et apostolicae ecclesiae ut esse omnium ecclesiarum, quia ecclesia constantinopolitana primam omnium ecclesiarum scribebat.

short, I know of no place in Bede's genuine works where he ls the Roman Church *mater ecclesia*, and one may suspect at, in spite of his unquestioned orthodoxy, his historical sense uld have led him to reserve the phrase for the Church of usalem or possibly the Church of Antioch.

Though allowing full emphasis to the criticisms of von Hör- nn, Mr. McNeill is still disposed to regard Bede as the author the Albers penitential, for he remarks: [7]

If we are forced to abandon Albers' argument concerning the date of this k, there still appears no reason to deny the possibility of its early date or n of Bede's authorship of the major part of it. Its close resemblance to the k reputed to be Egbert's and to the Double Penitential, may in fact be bably best accounted for by assuming it to be Bede's. If we consider the se personal relations between Bede and Egbert we need not be averse to supposition that after Bede's death Egbert utilized penitential materials by him and gave circulation to them, making such alterations as he chose, document which came to be regarded as his own. Bede visited Egbert in , about the time of the inception of the latter's work as archbishop. It is absurd to conjecture that they conferred over the practical aspects of ance with some such roughly-drawn document before them as our present itential.

bsequently he observes that the omission of the penitential m the list in E. H. 5, 24 is not conclusive proof that Bede ver wrote one, as other genuine works are absent from that . Moreover, while necessarily admitting the stylistic crudity the penitential, he does not regard this as decisive against de's authorship. 'The most that can be said on this point is at we should hardly have expected the greatest writer of his e to write one of the inferior books of the penitential series.' e unprejudiced reader will feel that Mr. McNeill earnestly sires to uphold the accuracy of Regino and the MSS-headings, t feels extremely uncomfortable in the process!

Let us now turn to the reasons for believing that the Albers cument is certainly not by Bede and, indeed, that none of the

[7] McNeill, op. cit., p. 219.

penitentials bearing his name are from his pen. ..ll of them, whatever the interrelation of their subject matter, ave this in common, that they are composed in a Latin that is clumsy, not to say barbarous, and not infrequently ungramm: 'ical. Any one familiar with Bede's style in his theological c amentaries will find it impossible to believe that, even in a 'rou ghly-drawn document' or first draft, he would have committed the solecisms and grammatical monstrosities found in the penitentials; [8] and it is not irrelevant to add that their crudity of expression disappears entirely, when they are translated.[9] Nor is it permis-

[8] I must also confess to feeling great scepticism that Bede would have used *creatura* (McNeill, op. cit., sec. XV, 1), *caritas* (ib. VI, 15), and *causa* (ib. X, 4) in the senses that they bear in the penitential.

[9] Mr. McNeill's translation reads smoothly but it is not entirely free from omissions or errors. On p. 221, line 6, *personam* after 'status,' and on p. 227, last line but one in para. 15, *et sancti Martini* after 'Apostles,' have been left untranslated. On p. 221, line 12, 'many' should be 'most' (*plurimis*) and in line 22, 'even as they judge' must be 'in order that they may judge' (*quomodo iudicent*). On p. 222, four lines from the bottom, 'his' should surely be 'His.' In the singularly ill-constructed Latin sentence, *qui volueritis sacerdotalem auctoritatem accipere, inprimitus propter deum cogitet et preparet arma eius*, I take *eius* to refer to God. The arms of God, when dealing with mankind through His ministers, are the psalter, lectionary, and so on. If my nterpretation is correct, then Mr. McNeill's suggestion that there might be a referen to works compiled by Bede himself falls to the ground. Nor should any argumen l on the occurrence of the penitential in a tenth century MS which also cc s De natura rerum and De temporibus. For, as Mr. Charles W. Jones kind .e, the text of De temporibus in the Barberinianus is very inferior and remov .any stages from the archetype. If, however, Mr. McNeill prefers to adhere t .is rendering of *arma eius*, well and good. But in that case I would remark that he cannot 'have it both ways.' The compiler of the penitential was doubtless perfectly capable of confusing the correct uses of *suus* and *eius*, but Bede most certainly was not. On page 227, last line but one of para. 15, 'of a saint' should be 'of the saint' (*illius sancti*); the patron saint of a given geographical area appears to be meant. Even so in the *deprecatio* or *oratio super diptycha* of the Gallican Mass, whose influence extended also to > Irish, after an invocation of the Virgin, apostles, and martyrs, local saints were r mbered. See L. Duchesne, Origines du culte chrétien (ed. 5), pp. 220 ff. and Rec of Adamnan's Life of Columba. On p. 231, fourth line from the bottor quite fails to convey to an English reader the meaning in this par t of *potentes*. It should be rendered 'men of substance.' At the foot of t .ge 'he shall set free [some] of his slaves and redeem freemen and captives' is .istransla-tion for 'he shall let some of his slaves go free and redeem captives.' cannot (save in a spiritual sense) redeem free men and the Latin is clear enoug *et de mancipiis dimittas* (*-at*) *liberos et captivos redimat. Liberos* is used predicatively : ter *dimittat*. On page 218 of the Introductory remarks De natura temporum shou l of course read De natura rerum.

ble to blame the medieval scribes. The monks who copied the Tamur manuscript of the Ecclesiastical History or the Orleans manuscript of the Commentary on Acts were very careless. But their careless ness consisted of misspellings, frequently the result of unfamiliar ity with the script of their exemplar, or of word-missions; it did not extend to mangling their author's syntax. Reflection suggests that it was not the scholars of the Church but the practical administrators, whose organizing talents were superior to their literary gifts, who either produced or were the reputed authors of the earlier penitentials. It is surely significant that most of these bear the names of bishops and of abbots – Adamnan, perhaps Cummean, Theodore, Columban, Egbert, Halitgar, even Burchard. However eminent their merits and achievements in other fields, the only one of these men to attain to some note in the world of letters was Adamnan.

Again, it is of course perfectly true that Bede visited Egbert at York in 733 and it may be that amongst other topics the two men conversed about questions of Church discipline. But if so, is it not, to say the least, very surprising that in the letter which Bede shortly before his death addressed to Egbert there is not the slightest reference either to penitentials in general or to any penitential Bede in particular? Bede in his epistle gives counsel to his former pupil who had recently been elevated to the archiepiscopric of York.[10] Besides enlarging on the multiple functions of a bishop, he has much to say about prelates who neglect their responsibilities and who are guilty of avarice, and also about fraudulent monasteries and the vices and abuses current in them. The duties of the clergy towards the laity also receive some attention. Surely in this lengthy communication, and we should have expected some allusion to penitentials, especially if Bede had composed a penitential, penance had formed a topic of conversation between Egbert and Bede only a year before.

The truth is that, if Bede really was interested in the 'practical aspects of penance,' he successfully concealed the fact in

[10] The best text of the Epistle to Egbert is in Plummer's edition of the Ecclesiastical History, I, pp. 405-423. If the last sentence in the letter is genuine, it is dated Nov. 5, 734.

his genuine works. The word, *paenitentia*, and its cognates are not specially rare in his writings, but the predominant meaning of *paenitentia* is 'repentance' rather than 'penance.' Expressed in another way, it may be said that Bede's interest is in the inner processes of the human heart, in the relation between man and his Creator, and in man's salvation through Christ, rather than in the methods of ecclesiastical discipline. Thus, in commenting on Acts 19, 4, he observes that John's baptism teaches *paenitentiam*, but only Christ's baptism can effect remission of sins. Or again, the widows in Acts 9, 39 are allegorically interpreted thus:

viduae sunt piae cogitationes animae paenitentis, quae sensus pristini vigorem, quasi viri regimen, ad tempus omiserant, quae pro anima delinquente necesse est suppliciter exorent.

Characteristic of the trend of Bede's thought are his remarks on the duties of those vowed to religion, with their emphasis on the fruits of the Spirit: [11]

abstineant ab otiosis eloquiis, ira, rixa, detractione, habitu impudico, comessationibus, potationibus, contentione, et aemulatione; et e contrario vigiliis sanctis, orationibus, lectionibus divinis, et psalmis, doctrinae et eleemosynis, ceterisque Spiritus fructibus operam impendant, ut qui futurae statum vitae in professione tenent in qua non nubent, neque nubentur, sed sicut angeli dei in coelo.

Even in the following passage the primary emphasis is on the awakening of conscience: [12]

necesse est ut ad conscientiam nostram reversi sollerter opera nostra simul et cogitationes exploremus, et quidquid nos peccasse deprehendimus, digna castigatione purgemus; quidquid de his quae nos recte fecisse credebamus, vitio in nobis elationis perisse comperimus, et hoc humili satisfactione castigemus. Haec enim nobis saepius fit causa flagellorum. Ceterum innocentes et iustos ob augmenta praemiorum flagellari, perfectorum est et donum speciale virorum. Verberibus autem temporalibus ad aeterna tormenta compelli, impaenitentium est poena reproborum.

When we consider how Bede elsewhere employs the word, *flagella*, in a metaphorical sense, it is at least open to question whether the *flagella* and *verbera* in the passage just quoted are to be taken in a literal sense.[13]

[11] Migne, Patr. Lat. 91, 751 B–C.

[12] Ibid., 92, 148 D–149 A.

[13] The *flagella supernae districtionis* that punished Eadbald (E. H. 2, 5) were madness and an unclean spirit.

Those who have maintained that Bede may have composed a penitential have always argued that Bede's own silence in E. H. 5, 24 is not a definite proof to the contrary, since the genuine works of Bede do not all appear in that list. But what are the facts? Only two works are in question, the De locis sanctis and the Retractatio. The former is not mentioned because Bede had already told the reader about it in an earlier chapter (E. H. 5, 17), after citing considerable extracts from Adamnan's book on which it was based. As for the Retractatio, it has been generally assumed that this work was not composed until after 731, because Bede does not refer to it. In another place I hope to have demonstrated conclusively that the Retractatio is named by Bede, in short, that when he wrote in E. H. 5, 24, *in actus apostolorum libros II*, he meant the Commentary on Acts and the Retractatio.[14] Thus, if all of Bede's writings, apart from the Epistle to Egbert, were indeed recorded by himself, the above argument regarding the possible composition of an unnamed penitential loses most of its force.

The strongest proof, however, that the Albers document is not by Bede, and that, so far from being compiled in England, it was probably put together on the Continent, is to be found in the penitential itself. No bishop in Western Europe during the earliest period of the Middle Ages devoted himself more wholeheartedly to the duties of his office than Caesarius of Arles. His sermons, of which an authoritative text has recently become available for the first time,[15] abound in references to the vices and superstitions of his age and in suggestions for disciplinary action against them by the Church. It was therefore to be expected that his utterances would continue to be influential after his time, at least on the Continent of Western Europe, and that this was actually the case is proved by reminiscences in seventh and eighth century writers and perhaps in penitentials of con-

[14] The various pieces of evidence showing that the second book of a commentary on Acts and the Retractatio are one and the same work will be set out in full in my forthcoming edition, to be published by the Mediaeval Academy of America.

[15] Dom G. Morin, Sancti Caesarii episcopi Arelatensis opera I: Sermones seu admonitiones (Maredsous, 1937). The reader will find reviews of this work by Alexander Souter in Journ. Theol. Stud. 38 (1937), 432–434 and by the present writer in Speculum 13 (1938), 355–356.

tinental origin.[16] Now in the Albers document we find one passage which is certainly derived directly from a sermon by Caesarius and another which is probably from the same author. The former occurs in section X of the penitential, dealing with divination and augury, and in Sermo XIII of Caesarius.

Albers, op. cit., p. 411

Nolite exercere *quando luna obscuratur*, ut *clamoribus suis ac maleficiis sacrilego usu se defensare posse confidunt, caraios* cocriocos et *divinos praecantatores, filacteria etiam diabolica vel herbas vel sucinos suis vel sibi impendere* vel *V feria in honore Iovis* vel Kal. Ianor. secundum paganam causam honorare, si clerici V annos, laici III vel V annos paeniteat.

Caesarius, ed. Morin, p. 66, 13–22

Et si, *quando luna obscuratur*, adhuc aliquos clamore cognoscitis, et ipsos admonete, denuntiantes eis quod grave sibi peccatum faciunt, quando lunam, quae deo iubente certis temporibus obscuratur, *clamoribus suis ac maleficiis sacrilego ausu se defensare posse confidunt.* Et si adhuc videtis aliquos aut ad fontes aut ad arbores vota reddere, et, sicut iam dictum est, *caraios* etiam *et divinos praecantatores* inquirere, *fylacteria etiom diabolica,* characteres aut *herbas vel sucinos sibi aut suis adpendere* durissime increpantes dicite, etc.

Ibid., 66, 27–8

Isti enim infelices et miseri, qui *in honore Iovis quinta feria* opera non faciunt, etc.

[cf. Sermo XIX (p. 86, 28–9): nullus in honorem Iovis quinta feria observare praesumat, ne aliquid operis faciat.]

As Morin points out, this particular sermon was widely read and quoted after Caesarius' time, and, it may be added, so were

[16] Cf. McNeill, op. cit., p. 277, note 10, referring to a passage in the so-called Burgundian Penitential and quoting from Caesarius, Serm. CXCII (pp. 738–741, ed. Morin). A closer parallel to the passage in the penitential will be found in Serm. CXCIII (p. 743, 11–13) with its mention of *cervulum sive anniculam* and in Serm. XIII (p. 66, 11), *de annicula vel cervulo* (variant readings: *annecula, anicula, agniculis*). One wonders whether *vecola* in the penitential and *veculas* (with variants *vegulas* and *veiculas*) in Pirmin's Scarapsus could possibly be corruptions of Caesarius' *annicula, anniculas.* The supposed reminiscence of Caesarius in the Penitential of Cummean given by McNeill on p. 99, note 5 comes from a homily which Morin rejects as not Caesarian (Morin, op. cit., p. 930).

several other sermons in which the bishop of Arles castigated the rustic paganism of his age. Thus indebtedness to Caesarius is to be clearly traced in the sermons of Eligius, bishop of Noyon, and in the Scarapsus of Pirmin, founder of Reichenau.[17] But the correspondence between Pirmin's adaptation or Eligius' echoes of Caesarius and the penitential is not exact, whereas, as the passages italicized above show, the penitential copies Caesarius exactly in certain phrases.[18] Thus the possibility that the paragraph in the penitential was only derived mediately from Caesarius, by way of Pirmin or Eligius, is ruled out. The second passage occurs in section V of the penitential, which is concerned with the capital sins, and in Sermo CLXXIX of Caesarius.

Albers, op. cit., pp. 405–406	Caesarius, ed. Morin, pp. 684, 27–685, 4
Nunc igitur capitalia crimina secundum canones explicabo. Prima *superbia*, *invidia*, fornicatio, inanis gloria, *ira longo tempore*, tristicia[m] seculi, avaricia, ventris ingluvies et Agustinus adiecit *sacrilegium*, id est sacrarum rerum furtum, et hoc maximum est furtum, vel idolathitis servientem, id est auspiciis et reliqua, deinde *adulterium*, *falsum testimonium*, *furtum*, *rapina*, *ebrietas adsidua*, idolatria, molles, sodomita, maledici, periuri. Ista sunt capitalia crimina, sanctus Paulus et Agustinus et alii sancti *conputaverunt*; pro istis fieri	Et quamvis apostolus capitalia plura commemoraverit, nos tamen, ne desperationem facere videamur, breviter dicimus quae illa sint. *Sacrilegium*, homicidium, *adulterium*, *falsum testimonium*, *furtum*, *rapina*, *superbia*, *invidia*, et, si *longo tempore* teneatur, *iracundia*, *ebrietas*, si *assidua* sit, et detractio in eorum numero *computantur*. Quicumque enim aliqua de istis peccatis in se dominari cognoverit, nisi digne et, si habuerit spatium, *longo tempore* paenitentiam egerit, et *largas elimosynas* erogaverit et a peccatis ipsis abstinuerit, illo

[17] The parallel passages between Caesarius, Eligius, and Pirmin have been set out and discussed by G. Jecker in his monograph, Die Heimat des Hl. Pirmin (Beiträge zur Geschichte des alten Mönchtums und des Benediktinerordens, Heft 13 [Münster i. W., 1927]), pp. 131–154.

[18] That Caesarius' *ausu* has been corrupted to the easier, but far less graphic, *usu* is not surprising. For *cocriocos* McNeill adopts Ducange's emendation *curiosos*, but Ducange had *cararios coriocos* in his MS. One wonders whether the compiler of the penitential also knew the twelfth sermon of Caesarius, where we read (ed. Morin, p. 59, 31–34), *nam et auguria observare, et praecantatoribus adhibere et caragios, sortilegos, divinos inquirere*, and whether *cocriocos* is a corruption, not of a rather pointless *curiosos*, but of *sortilegos* or *sortilogos*, as the word is sometimes spelled (cf. Pirmin's Scarapsus [ed. Jecker], p. 68, 10: *precantatores*, *sortilogus*, *karagius*). Palaeographically such a corruption is conceivable and would suggest a misreading, at some stage in the transmission, of an exemplar written in Visigothic minuscule.

oportet *elimosinas largas* et *longi-tempore ieiunium* teneatur, etc.

transitorio igne, de quo dixit apostolus, purgari non poterit, sed aeterna illum flamma sine ullo remedio cruciabit.

Ibid., 686, 1–3

Et ideo continuis orationibus et frequentibus *ieiuniis* et *largioribus elemosinis*, et per indulgentiam eorum qui in nobis peccant, assidue redimantur.

It may be admitted that the parallelism of these two quotations is not as close and striking as in the former case. Nevertheless there is a reasonable probability that here too the compiler of the penitential was indebted to Caesarius, especially when we remember the extreme popularity of this sermon in the Middle Ages.[19] In the light of what follows it is not irrelevant to allude to the extant manuscripts in which sermons XIII and CLXXIX are preserved. All the witnesses to the text of Sermo XIII are continental, the earliest being, in Morin's classification, H^{5} (s. vii/viii; Luxeuil script), H^{20} (s. viii; French), H^{52} (s. viii/ix; Rhaetic script), H^{53} (s. ix; St. Gall), and H^{71} (s. viii/ix; Reichenau). The only manuscript now in England containing this sermon is one from Silos in Spain (s. xi/xii). For the text of Sermo CLXXIX Morin has utilized four codices and some early printed editions. The manuscripts are L^{2} (s. ix), V^{1} (s. ix/x), A^{1} (s. ix) and W (s. viii); all are of continental origin.[20]

The use of Caesarius in the penitential is a strong, indeed, as I believe, a decisive argument against Bede's connection with it. While it would seem that Caesarius was not wholly unknown in Southern Ireland during the late seventh or early eighth century,[21] all the available evidence suggests that during the same

[19] Cf. Morin, op. cit., p. 683: 'inter omnes Caesarii homilias nulla fere ita frequens in codd. mss. occurrit, nulla fortasse tanta auctoritate apud medii aevi theologos fuit, sive quod ad dogma purgatorii, sive quod ad distinctionem peccatorum in minuta et capitalia pertinet.'

[20] For Sermo XII he used the ninth century Laudunensis and early printed editions; Sermo XIX survives only in an eighth century homiliary copied in France.

[21] S. Hellmann (Texte und Untersuchungen zur Geschichte der altchristlichen Literatur, ser. III, vol. 4 [Leipzig, 1909], p. 11) has drawn attention to five pseudo-Augustinian sermons which were used by the compiler or compilers of the collectio

period, and perhaps even in the ninth century, his works, whether under his name or another's, were missing from the English libraries. In his monumental edition of Aldhelm Ehwald has recorded no allusions to, or quotations from, Caesarius. Bede never mentions him by name and, after considerable study, I have been unable to find any passage in Bede's theological works which would suggest familiarity with the bishop of Arles' works. Boniface once cites from Sermo LIV, but he does so in a letter to Pope Zachary, that is, one written when he had been on the European Continent for more than a quarter of a century.[22] Again, Caesarius' name is missing from the list of writers in the last section of Alcuin's poem on the see and bishops of York; and one may add that no difficulty of scansion, as in the case of Isidorus, would account for the absence of the name in a hexameter poem. Ogilvy in his wide, though incomplete search, finds no trace of Caesarius.[23] It is, of course, true that many of Caesarius' sermons circulated under other names, for example, Augustine's or Faustus' of Riez, but these are included in Dom Morin's monumental edition and are assigned to their true author. The evidence of the extant manuscripts is the most impressive argument of all in favor of our contention; it is immaterial for our purpose under whose name these sermons were transmitted in the Middle Ages.[24] Dom Morin lists nearly two hundred and fifty manuscripts that he has inspected, of which seventy-four are homiliaries or lectionaries containing sermons by various hands. A very substantial proportion of the Caesarius manuscripts proper are of early date, that is, of the seventh, eighth, or ninth centuries.[25] Of the homiliaries more than a third were copied before the end of the

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canonum Hibernensis. Four of these are genuine sermons of Caesarius, viz., Nos. XLIII, XLIV, LIV, and CXCIX in Morin's numeration.

[22] Monum. Germ. Hist.: Epist. III, 301, 21–25. Boniface calls the author of the citation Augustine.

[23] J. D. A. Ogilvy, Books known to Anglo-Latin Writers from Aldhelm to Alcuin (Cambridge, Mass., 1936).

[24] Some of the genuine sermons of Augustine had reached England early and were used, for example, by Bede.

[25] E.g. Morin's L^1, L^2, V^1, M^1, M^2, M^3, M^4, M^{10}, M^{11}, A^1, A^2, W^1, W^2 (fragments only), Q^6 and Q^7.

ninth century and several are far older, notably H^1 and H^5, written respectively in the Laon *az*-type and the Luxeuil script. There are only three manuscripts prior to c. 900 that at first sight might seem to be connected with England, inasmuch as they are written in Insular script. But Monacensis 6298 (G^1 in Morin), a book of Freising, was evidently a product of a German scriptorium; for Dom Morin calls the collection, of which G^1 is by far the oldest manuscript, specifically German.[26] Codex Durlacensis 36 (D), now at Carlsruhe, appears to have originated at St. Gall.[27] There remains only the British Museum manuscript, Arundel 213, in which there are four sermons noted by Morin. Two are genuinely Caesarian, one of them bearing no author's name, the other being attributed to Augustine. The other two, one being assigned to Augustine, the other to Cyprian, are rejected by the editor. Dom Morin would date this codex s. vii/viii, while Zangemeister had thought it of the tenth century; but it would appear that Dom Morin's date is considerably too early. Arundel 213 is not included by E. A. Lowe in the second volume of Codices latini antiquiores and, as he kindly informs me in a letter, was in his opinion copied in the ninth century.

To sum up: if the reader is convinced by the cumulative effect of our argument, he will be led to three conclusions. First, the weight of the evidence is against those who maintain that Bede was the author of a penitential. Secondly, the document published by Albers cannot in any event be attributed to Bede; and, finally, that document, so far from being an English product, was compiled on the Continent of Europe.

[26] Morin, op. cit., p. lx, . . . 'collectio, quam Germanicam ideo appellavi, quod libris in Germania exaratis fere unice servata sit.' There is no MS from an English scriptorium in this family, G^7, now at Oxford, being 'liber domus clericorum in Doesborch.'

[27] The St. Gall attribution is not certain, though probable (cf. Morin, op. cit., p. lxxii). But even if D were from an English scriptorium, our argument would not, in view of its relatively late date (s. ix/x), be invalidated.

CHURCH ORGANIZATION IN BRANDENBURG-PRUSSIA FROM THE REFORMATION TO 1740

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Beginnings of an Organization in Brandenburg 1539–1648

For obvious reasons, a study of the organization of the Church in Brandenburg-Prussia must begin with the formal acceptance of the Reformation in those territories. The Reformation was not accepted officially in Brandenburg until after the death of Joachim I in 1535. His son and heir, Margrave and Elector Joachim II joined the Protestant ranks in 1539. Prior to this time the Church *in* Brandenburg had been an integral part of the Catholic Church of Rome; and local church organization and the supervision thereof had been in the hands of the episcopal consistory. This latter body attended to all the business of reviewing and supervising the administration of its diocese, of issuing the reports of the bishop or administrator, of appointment of apostolic visitors, and of the government, temporal administration, and discipline of seminaries.

The acceptance of the Reformation meant the end of the Catholic Church *in* Brandenburg, but the beginning of a Lutheran Church *of* Brandenburg. It meant that the old Catholic episcopal organization had to be discarded, that the episcopal property was to be secularized. The question of the disposal of the property was easily solved; the prince became the new owner. But a new organization for the administration of the church had to be established. The prince became the *Summus Episcopus* and thus was the head of the state and of the church. Yet the details of administration were too numerous and heavy; and a professional organ for this purpose alone was needed, an organ which would be independent and subject only to the Elector. This need was remedied by adopting, with modifications, the consistorial organization of the Roman Catholic Church. A council or college, called the *Consistorium* (Consistory), and composed of lay as well as spiritual councillors of

the Elector, was established in 1543. The idea of such a modified adoption was not original. It was modeled on one set up at Wittenberg for Saxony by Luther in 1539. This Consistory had a dual nature. It was an organ of administration, to administer, organize and supervise the Church for the whole of Brandenburg. At the same time, it was a court with spiritual jurisdiction in all cases involving clerics, and in matrimonial matters.

The first ordinance for the church was issued in 1540.[1] This was merely a preliminary ordinance concerning doctrine, organization and the visitation of the land to inspect the condition of things. Some of its points were incorporated in later ordinances. It seems that the first ordinance definitely establishing a spiritual Consistory was one of 1543 at which time this body began to function as the supreme, executive organ in spiritual matters. But we have no trace of this ordinance of 1543. While we have no documentary survivals of consistorial ordinances before 1573, when the Consistory and the procedure before it received a firm, legal foundation, yet we have sufficient witness to the fact that there was a Consistory before 1573 based upon a definite ordinance or ordinances. In an ordinance of 1572,[2] we read: "We have perpetuated the episcopal procuration and *Hufen-Geld*[3] for the better maintenance of our spiritual *Consistorium*. If there is any delay . . . , etc."

More convincing, perhaps, is the preamble of the Consistorial Ordinance of 1573 itself. Here we find John George saying that "Since all good ordinances and all visitations are in vain if not seriously observed, or if proper punishment is not administered to those who violate them; and since necessity also requires that, for the matrimonial cases, spiritual and other matters which belong to this court, our Consistory shall be held, we have thus looked over, improved and had published for our subjects to conform to, for their own good, the Consistorial

[1] Corpus Constitutionum Marchicarum, ed. by Chr. Otto Mylius, 8 vols. in folio. (Berlin and Halle, 1736–1741.) Hereinafter referred to as Mylius. Mylius, I, 1, No. 2.

[2] Mylius, I, 1, No. 6, Col. 274.

[3] The *Hufen-Geld* was a land tax based upon a hide of land. This income, as the ordinance reveals, was allocated to the upkeep of the Consistory.

ordinance of our blessed father (Joachim II)." [4] There can be no doubt as to the meaning of the last words, Joachim II did issue an ordinance concerning the Consistory, of which we have no trace to-day. The existence of this office is also substantiated by concern for its maintenance in the Ordinance of 1572.

Aside from the fact that they testify to its earlier existence and origin, probably in 1543, these ordinances are of little administrative importance. For it was only in 1573 that a firm organization was given to the Consistory and the College of Visitors by the *Visitation and Consistorial Ordinances* of that year.[5] This organization was to remain through the Seventeenth Century without any major, organic changes.

Before taking up the organization of the Consistory a word should be said of the General Superintendent and the College of Visitors. The Superintendent was most nearly the counterpart of the bishop in the pre-Reformation organization. This office was established in 1540. He was the highest official under the Elector, for the Church. He examined and ordained candidates for the ministry. He had to supervise the teaching and personal conduct of the ministers already ordained. The selection for stipends and spiritual benefices from among those presented to him by the cities or nobility also fell upon him. To these duties of his as General Superintendent was added the activity as directing member of the College of Visitors and as a member of the Consistory.

The first visitation of the Mark Brandenburg was made from 1540 to 1542. It was very likely modeled on one established by Martin Luther for Saxony. A board of visitors was sent out into all the provinces of the Mark to investigate the conditions of the churches, benefices, schools, all property and income to see if the former holders of such property and income had made any attempt to make off with the same illegally. Fully as important as the concern for the property of the Church was the

[4] Mylius, I, 1, No. 7, Col. 320.

[5] Mylius, I, 1, No. 7, Col. 275 ff., and Altmann, W., Ausgewählte Urkunden zur Brandenburgisch-Preussischen Verfassungs- und Verwaltungsgeschichte, Vol. I, pp. 47–50 (Berlin, 1914).

fact that the clerics were deserting their office. This loss of the trained personnel caused grave confusion in the land; and only an all-embracing visitation which saw conditions at first hand could remedy this situation.

This body of visitors had much the same development as the Consistory from 1540 to 1573. A number of ordinances were issued, with only a few fragments remaining, without ever giving a firm, clear, definite organization to these visitors. By the Visitation Ordinance of 1573, however, this institution was organically altered. The visitation was made a permanent arrangement, the College of Visitors a regular organ. The provinces of the Mark Brandenburg were to be consecutively visited during a period of ten years. The college was to be composed of lay and spiritual members of whom the General Superintendent, a Consistory councillor and the notary of the Consistory were to be permanent members. By coöptation from the church and electoral officials of a district this college was increased for the district being visited. While in 1600 the college was fixed at eleven members and the individual districts were to be visited simultaneously by a fixed number of visitors,[6] the Ordinance of 1573 was the determining factor in the organization of the visitation throughout the Seventeenth Century.

Likewise, the Consistory remained organized on the basis of the 1573 Ordinance. The first part of this Ordinance was devoted to the personnel, declaring that there should be four or five persons in the Consistory, among them the General Superintendent of the Lutheran Church. If several were absent no two should speak definitively on any matters; but in important matters they were to add to themselves several of the *Kammergericht* [7] councillors, particularly the Chancellor. This situation occurred not infrequently for the General Superintendent and one Consistorial councillor were members of the College of Visitors and were away most of the summer each year.

The Consistory was to meet once a week, on Tuesday, and the matters decided at once. Any possibly unfinished business was to be cleared up on Thursday.

[6] Instruction of Feb. 9, 1600. Mylius, I, 1, No. 11.

[7] The *Kammergericht* was the supreme civil court for the Mark Brandenburg.

A trained lawyer or notary was assigned to the college [8] to keep a daily record of debates and decisions, to keep a copy of all writings issued *nomine consistorii*, to file all incoming reports, and to register the punishments and their execution. All this was to be done to avoid errors.

A seal was given it to be held by the oldest member and always to be kept at the Consistory to avoid possible delay.

The ordinance states what kind of cases should be heard before this court: disputes and disagreements concerning doctrines and matrimonial cases. The court should supervise the visitations. Action should be taken by the court against those who in sermons, in administering of the sacraments and in ceremonies do not conduct themselves properly and according to the Christian Church Ordinance of 1540; likewise against those who have acquired illegally the spiritual property of parishes, churches, schools and hospitals to the harm of church servants and officials. The Consistory was to have the right to confirm and judge in regard to all testamentary and tithe questions. All other cases of a spiritual nature or touching clerics or spiritual benefices or property were under its jurisdiction.[9]

Section C provides for the legal basis on which all cases should be decided by the Consistory.

"If discord arises concerning articles of faith and the administration of the Holy Sacraments or matters of conscience, it shall be judged and decided according to the word of God as contained in Scriptures or in the Augsburg Confession drawn from them. We have also had prepared a visitation and Church Ordinance in accordance with which our Consistorial Councillors shall arrange for the appointment of pastors, ceremonies, etc. But in matrimonial cases of which no special mention is made in the above two ordinances, the hitherto-used canon law shall be applied. Our court shall have the right to punish anyone who violates any point in this ordinance, with imprisonment, which sentence is to be executed through the secular arm."

For the maintenance of the Consistory certain benefices and parishes formerly held by the bishops were to give their income.

[8] Perhaps it should be pointed out that a "college" as used here was a Seventeenth Century administrative institution which was the equivalent of a ministry of state. It differed from more modern ministries in that it consisted not of one man as minister, but of a board acting collectively as a minister. Decisions were reached by majority vote, the group was collectively responsible for its decisions.

[9] The close similarity between the sphere of jurisdiction of the former Catholic episcopal consistory court and the *Consistorium* should be noted.

The Consistory and the whole organization of church administration was to receive no further organic alteration until the time of Frederick William I (1713–1740). A few decrees were issued at times concerning specific details. In 1637 George William "found it necessary to appoint to our Consistory several clerics" and he appointed as Consistorial councillors the court preacher and the archdeacon of his residence at Berlin.[10]

In an ordinance sent to the Consistory, September 26, 1646, the Great Elector charged that there had been numerous complaints that all kinds of cases were being drawn into the court of the Consistory which of right belonged to the *Kammergericht.* So he ordered that "you henceforth bring no more civil cases into the Consistory, even if they involve clerics but rather send such matters to the *Kammergericht.* Those matters of which our Consistorial Ordinance speaks shall remain with you." [11]

For a half century and more the records are replete with decrees of this nature, forbidding one state organ to extend its competence at the expense of another. If such extension is at the expense of the local, territorial institutions, it is looked upon with favor. But the new, central bodies are in that developing, growing stage throughout the Seventeenth Century which leads them to seek as extensive a jurisdiction as possible in order to increase their authority. They often lost sight of the fact that they were serving the interests of the same master and that what one gained at the loss of the other was no gain for that master.

Development of Ecclesiastical Organization for the Hohenzollern Lands, 1648–1713

In the second half of the Seventeenth Century there was practically no change in the administration of the Church of Brandenburg and only one definite institutional development. The Consistorial Ordinance of 1573 determined the organiza-

[10] In a letter sent to the President of the Consistory. Mylius, I, 1, No. 13, Col. 355.

[11] Mylius, I, 1, No. 17, Col. 361.

Any desire to draw an analogy between the efforts of the Consistory to encroach upon the jurisdiction of the civil courts, and the medieval conflicts between lay and

tion of the Church administration to the very end of the Seventeenth Century. It must be remembered that this ordinance affected only Brandenburg, that the Consistory of which it speaks was a central spiritual organ only for the Electorate.

However, by the year 1648, the Hohenzollern ruler of Brandenburg, Frederick William the Great Elector, had become at the same time the ruler over a number of non-contiguous territories to the East, West, North and South of the Mark Brandenburg. The two principal groups were the Duchy of Prussia (1618) and the Rhenish territories of Cleves, Mark, etc. (1614). Each of these territories, which were united only in the person of the Elector, had a Consistory, like that of Brandenburg, for the administration of its own ecclesiastical affairs. The Elector of Brandenburg was *Summus Episcopus* in each of his territories; but he had no one central spiritual council for all his lands.

A new tendency in Church policy, however, was appearing which eventually was to produce for individual sects of the whole land, several central bodies which were finally to be united into one for the whole Kingdom of Prussia. This new tendency was brought into Brandenburg and Prussian administrative history by the adoption of the Reformed, Calvinist faith by the ruling house of Brandenburg in the time of John Sigismund (1608–19). All the lands of the Elector were solidly Lutheran, except Cleves, Mark and Ravensberg which were largely Calvinist. Throughout the reign of George William (1619–40), the Estates of Brandenburg refused to permit Calvinist Councillors to sit in the Consistory and thus make a mixed commission. Frederick William found a way around this obstacle without effecting any institutional change. The College of Visitors was appointed by him as *Summus Episcopus*, likewise the Consistory. He appointed men to the vacancies that arose in these two bodies who were in sympathy with his church policy, which was, namely, parity for the three recognized sects (recognized by the Peace of Westphalia, 1648),

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spiritual courts (e.g., Thomas Becket and Henry II) should be suppressed. There is no conflict between State and Church, but only a jurisdictional rivalry between two separate services of the State administration.

Lutheranism, Calvinism and Catholicism, and tolerance for the unrecognized sects. In this way he left to the preponderant Lutheran Estates their rights and privileges but, by appointing men with Calvinist sympathies as Consistory President and Councillors, he ensured the good treatment of the Calvinist groups of Brandenburg.

He followed this same practice in his other lands. In the middle territories he met only a slight resistance as in Brandenburg; in the western possessions no resistance at all, for these were largely Calvinist to begin with. But in Prussia he was met with a stiff resistance on the part of the Estates. The Lutheran Church was here the territorial Church. In the other territories Frederick William succeeded in getting sympathetic councillors to direct church policy; but the best he could do in Prussia was to get a tolerance of Calvinism and the right to build Calvinist churches. The supervision of the Reformed Church in Prussia was to be in the hands of the Lutheran Consistory. This situation remained until 1713 when it was altered by Frederick William I. So, actually, there was no institutional change in the regular bodies; but there was a change in the spirit of the personnel which was to reap its fruit after the close of the Seventeenth Century.

There was one new institutional development in spiritual matters, however, which was occasioned, as were other administrative organs, by the coming of the French refugees, after the revocation of the Edict of Nantes. The French Nation in the Elector's lands was given its own institutions. In 1689 an ordinance of the Elector granted them self-discipline in spiritual matters. But evidently this ordinance was not adhered to by all the members of their Church. So May 4, 1694 Frederick III established a *Commission Ecclésiastique* for the French Nation.[12] He gave as his reasons the facts that the colonies of refugees had greatly increased, that at times certain differences and quarrels arose concerning the administration of their Church and Consistorial matters, and that complaints were made against those who were assigned these matters. So he appointed, out of the

[12] Mylius, I, 1, No. 63, Col. 417–18.

Real Privy Councillors, Spanheim and Neuhausen, and the two oldest French preachers, Bancelin and Gauthier, men experienced in French Church discipline, to acquire information of the disorders and to investigate the complaints and settle all disputes. The number of these commissioners could be increased or altered by the Elector at will.

The *Commission Ecclésiastique* was not the supreme spiritual body for the French colonists. Matters of real consequence were brought before the Privy Council of Brandenburg and there decided. The result was that these accumulated in the Privy Council so as to overburden it. It was felt, consequently, that the Council would profit greatly if these matters could be settled by the *Commission*. So by a Patent of 26 July, 1701 [13] he established the *Commission* on the same footing as the German Consistory. Until he saw fit to ordain another, this body was to be the supreme ecclesiastical and consistorial forum for the French colonists. All ecclesiastical matters of the French colonies, except disputes over religion or articles of faith, were to be dealt with here.

After 1701, there is little to be said about the French *Oberconsistorium*, as the *Commission Ecclésiastique* was now called. It experienced no organic changes, and continued to meet under the presidency of a member of the Elector's Privy Council. As for its competence, it must be noted that the French *Oberconsistorium* was not a provincial body; but that it was a central, supreme office for the French Nation in all the lands of the Elector, until the former was absorbed and assimilated into the German population. However, G. Pariset [14] claims that the *Oberconsistorium* successfully exercised its influence only over the French Churches of the central group of provinces (Brandenburg, Pomerania, Magdeburg, Halberstadt, and the Westphalian ones), and that those of the Rhine country and parts of royal Prussia became detached from the *Oberconsistorium* at Berlin to become confused with the German Reformed (i.e. Calvinist) Churches of the neighborhood.

[13] Mylius, I, 1, No. 68, Col. 423.

[14] L'Etat et les églises en Prusse 1713–40 (Paris, 1897), pp. 135–36.

As if to complicate the administration of Church life in the Electoral lands, the spiritual jurisdiction in military circles was administered by a Military Consistory associated with the General Auditoriat.[15] Under the Great Elector the army chaplain came into being with the standing army. For a long time an effort was made to have the members of the separate faiths ministered to by their own chaplains who were subordinate to the civil consistorial bodies. But the "scandalous and infamous life" of the chaplains, says Frederick III, led him to establish a Field Consistory on April 7, 1692,[16] to which all chaplains were to be subordinate and whose activities were to be supervised by it. The General Auditor was to select two or more army chaplains from the General Staff or regiments and form a military court for consistorial matters, which included spiritual discipline over the chaplains, matrimonial and other matters belonging to the church.

A more complete Military Consistorial Regulation was issued by the same ruler on April 29, 1711.[17] The personnel of the Military Consistory was now to be the General Auditor, two staff officers and two chaplains of the General Staff. All garrison and field chaplains were placed under its jurisdiction except when they were charged with error in doctrine. In that case they went before the ordinary Consistoria. The lower military courts were to assume no jurisdiction in Consistorial matters. All persons connected with the army or garrisons belonged before it, when they were accused, in all Consistorial matters. The procedure to be used was to be the same as that used in the Lutheran Consistory at Berlin and the affairs that appeared before the latter body should appear before the military body so far as they concerned military persons. This included matrimonial matters. However, those of the higher officers were to go before a mixed court composed of two members each of the Military and Spiritual Consistoria. The decisions of the Military Consistory were to be final, without appeal or modification.

[15] The General Auditoriat was the Supreme Military Tribunal of the army which was exempt from all civil, criminal and spiritual courts.

[16] Mylius, III, 1, No. 96, Col. 273–75.

[17] Mylius, III, 1, No. 96, Col. 265–73.

This Military Consistorial Regulation determined the organization, procedure and competence of the Military Consistory throughout the reign of Frederick William I and was not altered or renewed until Frederick II issued a new Regulation July 15, 1750.

Frederick William I and the Administration of the Church, 1713–1740

In 1713, on the accession of Frederick William I, there existed a number of uncoördinated supreme bodies for spiritual or ecclesiastical affairs. There was the Lutheran Consistory for the Mark Brandenburg, the French *Oberconsistorium*, and the Military Consistory. To these, in the first year of his reign, Frederick William added the Reformed Church Directory.

The Lutheran Consistory at Berlin was a supreme body for the Electorate of Brandenburg only. Parallel to it in each of the Lutheran provinces of the King there were other supreme Lutheran Consistories independent of the one in Berlin and with no point of union. The territorial feeling was still strong in ecclesiastical organization in 1713. But aided by the growing importance of Berlin, perhaps encouraged by the model of the centralized French and German Reformed organizations and certainly made possible by the constant progress of the political centralization, the influence and competence of the Berlin Lutheran Consistory extended itself gradually beyond the Mark. It ceased to be a provincial body. First its members interfered unofficially in the ecclesiastical affairs of neighboring provinces. Then, this interference became official, permanent and collegial. This practice was made legal by an act of Frederick II in 1750 which made the Brandenburg Lutheran Consistory a Superior body with the other provincial Consistories subordinate to it and really making the Lutheran Churches of the provinces a united church with a central point of union.[18]

While the parishes of the French Reformed adherents received a central point of unity for the whole State soon after

[18] Pariset, op. cit., p. 136.

their establishment, the same was not true in the case of the German Reformed parishes. German Calvinists in the Seventeenth Century were relatively few in numbers, though including in their midst the Electoral rulers. An effort to unite the Lutheran and Reformed Church administrations in a Church Council by John Sigismund failed.[19] Then the Privy Council was given a supervisional jurisdiction over the members of the German Reformed Church while the Lutheran Consistory, from 1637 on, always had a Reformed cleric among its members to represent this group for whom spiritually and canonically the Lutheran Consistory acted. All during the Seventeenth Century to 1713 any organic structure for the German Reformed Church above that of the parish was lacking. But, in the meantime, their numbers and parishes had increased and the administrative facilities were inadequate. A coherent, united Church organization with its own administration was needed to give the scattered members a common bond of union in one confession. This organization was one of the contributions of the early months of Frederick William I.

By an ordinance of July 10, 1713, Frederick William established the Reformed Church Directory as the supreme Church organ for the German Reformed Churches of all his territories.[20]

The Ordinance of July 10 stated that the number of Reformed parishes had so noticeably increased that a separate church directory was needed. So the King ordained a permanent Reformed Church Directory for the maintenance of good order in the Reformed Churches and Schools. This college was to be composed of a noble president, of the Real Privy Councillors attached to the Reformed faith and of four councillors, two of whom were to be Reformed clerics and two laymen. The Directory was given supervision over doctrine, the life, behavior, salary, acceptance and removal of clerics, school and church servants. Examination, confirmation and ordination

[19] The union of the two churches had to wait until 1817.

[20] Mylius (Corpus Constitutionum Marchicarum), I, 1, No. 83, Col. 447. The Reformed Church Ordinance of October 24, 1713, informs us of the date of establishment. For its contents one must turn to von Mühler, Geschichte der evangelischen Kirchenverfassung in der Mark Brandenburg (Weimar, 1846), pp. 219–22.

should belong to it as well as the proposal of the clerics to be named directly by the King.

Frederick William provided that, if one of his successors left the Reformed faith, the Directory itself should nominate others to the vacancies on this board and should install them. Sovereign confirmation could be denied only because of personal defects of the nominee.

The Directory was given the task of working out special ordinances for the different branches of Church affairs. The fundamental features of these ordinances were indicated in the establishment of the Directory. By October 24, 1713, four ordinances [21] were prepared and confirmed by the King: an Inspection Ordinance dividing the provinces into Inspection Circles, a Presbyterial Ordinance dealing with the individual parish administration, a Classical Ordinance which provided for an annual Synod of the churches within an Inspection Circle, and finally a Gymnasium and School Ordinance which made the clerics supervisors of the Reformed schools in which the Heidelberg Confession was to be the basis of religious teaching.

"By these ordinances of 1713 the Reformed Church of the Mark and the other provinces was brought together in an organic whole." [22] The Directory provided a central church organ and a center of church unity. The extent of its competence, however, did not include the territories Mark, Cleves and Ravensberg for they retained their former Reformed organization and administration.

There were also two other exceptions to the competence of the Reformed Church Directory. One of these was organic, the other jurisdictional. For one Church, the Cathedral (*Dom*) in Berlin, a separate administration had been created under the Great Elector and this was retained after 1713.

The jurisdiction of the Directory was restricted in that the supervision over Church property and foundations and the auditing of accounts, the fixing of the Circles of Inspection and the supervision of the administration of the Reformed Inspectors, and matrimonial matters of the Reformed members re-

[21] Mylius, I, 1, No. 83, Col. 447–64.

[22] Mühler, op. cit., p. 226.

mained as before in the Lutheran Consistories. Further, the clerics, church and school servants remained under the ordinary courts in civil and criminal affairs.[23]

The Consistories, it was suggested above, were more than ecclesiastical administrative colleges with a general supervision over the ministers, including examination, appointment and ordination. It was said that they also formed a court with a spiritual jurisdiction in the administration of justice. This jurisdiction was of two kinds, the one over clerics and ecclesiastical servants for crimes committed *in officio* and over conflicts among the clerics themselves. In this connection Frederick William had to issue a rescript on April 9, 1736,[24] ordering that clerics who commit crimes should not be tried in the Consistory as was being done. Action should be taken against them according to the Criminal Ordinance and the defendant should have no appeal. However, when clerics commit crimes *in officio*, when cases arise between clerics, and when divorce cases appear, these were to be tried in the Consistory but according to civil law, "for they shall be subject to the laws just as other subjects."

The divorce cases belonged to the judicial competence of the Consistories over the laity. All matrimonial matters, those of consanguinity, of dispensation and the like, belonged to the Consistories.

When the Lutheran Consistory at Berlin was established it was a completely independent organ. The Privy Council Ordinance of Establishment in 1604 expressly excluded any spiritual jurisdiction from the competence of the Council. But gradually during the Seventeenth Century, as the central body for administration, the Privy Council acquired a supervision over church government in all the provinces. The balance of weight in spiritual administration throughout this century remained in the Consistories. But, in harmony with the tendency of the latter half of the Seventeenth Century for departments to form within the Council, some of which became inde-

[23] Mühler, op. cit., p. 221.

[24] Mylius, I, 1, No. 131, Col. 563.

pendent of it, a department for spiritual affairs also developed. Paul von Fuchs seems to have been the first minister who administered the spiritual affairs in the Privy Council permanently,[25] since 1695, when he was also made President of the Lutheran Consistory of Brandenburg. The year before he had been appointed Curator of all universities. The Consistories from this time on gradually became bureaucratic, executive organs of the Privy Council, without independent importance.

In speaking of the Spiritual Department of the Privy Council it must not be confused with what will later be a Ministry of Spiritual Affairs. As was the custom for all government business, a Real Privy Councillor was appointed to prepare and present all spiritual affairs to the Privy Council, to countersign and expedite all correspondence and decisions of the King on these matters. At the same time, this Councillor could be and was the President of one or more of the ecclesiastical bodies which received these decisions and carried them out.

Fuchs died in 1704. To his office, in 1709, succeeded Marquard L. v. Printz as President of the Lutheran Consistory in Berlin and as head of the spiritual department in the Privy Council and as Curator of all universities. From this time on Printz was gradually made the head of all the administrative bodies of the Church and of public instruction, in 1714 President of the Reformed Church Directory and President of the French *Oberconsistorium.* These offices remained combined in his person until his death in 1725 and thus, likewise, the whole direction of the administration of worship and of public instruction.

This combination is interesting and highly important, but the multiplicity of offices concentrated in one person was nothing new. What really is most important is the fact that all these offices were transmitted *en bloc* in 1725 to Friedrich Ernst von Knyphausen. He had already assisted Printz in the supreme ecclesiastical direction. When he died in 1730 the Spiritual Department and the spiritual colleges were again transmitted to Samuel von Cocceji who in 1731 also became

[25] O. Hintze, "Die Epochen des evangelischen Kirchenregiments in Preussen," Historische Zeitschrift, Vol. 97, p. 96.

the head of the judicial department in the Privy Council in succession to Plotho. And finally, in 1738 Cocceji surrendered the Spiritual Department and all the spiritual colleges to von Brandt. This regular transmission of the combined colleges to one person is very important in that it consolidated the several members into a single department and made possible an independent ministry for spiritual matters. This latter status developed in the 1730's. In 1730 one Reichenbach was appointed as Vice-President to Knyphausen in the spiritual colleges to relieve him of some of the work in these. He remained in this office under Cocceji and really did all the spiritual administration. November 12, 1736, Reichenbach was made what he already really was, Second President of the Consistories. Hintze feels that the appointment of Reichenbach in 1730 is the date for the founding of the Spiritual Department in visible form. But this Spiritual Department of the Privy Council was still associated with the Judicial Department. The heads of the departments were still bureaucratic chiefs of administrative colleges. This was all changed in 1738 when Cocceji resigned all his offices, the spiritual ones to Brandt, to become Minister of Justice. In this office he had the supreme direction of the administration of justice but did not participate in the bureaucratic administration of individual colleges. One may well say that Brandt at the same time became a Minister for Spiritual Affairs. It was Reichenbach who really was the administrative head of all the spiritual colleges and Brandt's real function was the supreme direction of the administration of spiritual affairs by the ecclesiastical colleges.[26]

The formation of a Ministry for Spiritual Affairs in 1738 was the final step in a development of church organization which saw the appearance of a number of administrative offices centering in Berlin but supervising a single confession in all the lands of the Hohenzollern rulers. Over the administrative heads of these spiritual bodies, there now stood a Minister of Spiritual Affairs, divorced from administrative duties, and devoting himself to the determination of Church policy.

[26] Pariset, op. cit., passim and Hintze, Acta Borussica, Die Behördenorganisation und die allgemeine Staatsverwaltung Preussens im 18. Jahrhundert, Vol. VI, Part I, pp. 134–39.

THE OLDEST MIDRASH: PRE-RABBINIC IDEALS AND TEACHINGS IN THE PASSOVER HAGGADAH

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The researches of the last three decades have conclusively shown that toward the end of the third century B.C. a profound change occurred in the spiritual life of the Jews. Literary prophecy, which had been declining since the time of Haggai and Zechariah (ca. 518 B.C.), now definitely came to an end. The noble tradition had been in its death throes for no less than three centuries. In vain did the Joels, the Obadiahs, and the Deutero-Zechariahs seek to save it from complete eclipse. Its hour had passed. In the meantime, new forces were arising to contend for its place in the spiritual leadership of Israel.

A group of poets, who sought to exert an influence through the liturgy and the Temple ritual, composed and collected the larger part of the Psalter. Writers of wisdom literature, influenced in part by Egyptian examples, created the Books of Proverbs, Job, Ecclesiastes, and Ecclesiasticus. Prose writers and novelists undertook to mould the Jewish mind by re-writing the history of the people, and produced the Books of Chronicles, Jonah, Ruth, and Esther, as well as the apochryphal Judith and Tobit. There were individuals, here and there, who combined in themselves various talents and associations, producing Wisdom Psalms, such as Psalms 37, 73, and 139, as well as Lamentations 3; there was one, at least, who attempted to create a direct link between prophecy and psalm-writing, by composing Habukkuk, chapter 3. One gifted novelist, apparently belonging to the class which produced the Books of Jonah and Ruth, transformed the Book of Job from a theological disputation into a religious romance.

In the midst of this struggle for the succession to prophecy we can dimly discern the beginnings of the movement which was actually to supplant the prophetic tradition; the tradition of the Scribes. Refusing to avow themselves the mouthpieces of God, the Scribes achieved even greater influence than had come to Isaiah and Jeremiah, by demanding recognition as

exponents of the Law. For a time, as is clear from Psalm 119, they were persecuted; [1] and for a much longer period, they were unrecognized. Nevertheless, they slowly won a large following among the people, and toward the end of the third century B.C., were apparently strong enough to challenge the supremacy of the High Priesthood itself in the spiritual leadership of Judea.

The final scene which marked the end of Prophecy and the definitive recognition of the Scribes or Scholars, was, doubtless, the Great Assembly, which was convoked by Simeon II, the Righteous, who was High Priest, toward the end of the third century B.C.[2] The confusion which filled the minds of historians regarding the Great Assembly has at last been dissipated through the work of careful and diligent students.[3] We now can say with assurance that there actually was such a meeting; that it consisted of the High Priest, other priests, Levites, and lay scholars; and that its epochal importance lay in the fact that for the first time in the history of the Second Commonwealth, these groups deliberated together.[4]

Among the achievements of the Great Assembly were probably the formulation of daily prayer-services for the Temple and for the synagogues; the establishment of a fixed form for the Grace after Meat; the final closing of the Prophetic Canon; and the transformation of the oligarchic gerousia into a Sanhedrin, in which the lay plebeian scholars sat with the representatives of the priests and other patricians.[5]

The Scribes were distinguished from all the other groups who

[1] See Ps. 119. 161.

[2] Concerning the identity of Simeon the Righteous, see the convincing article of G. F. Moore, in Jewish Studies in Memory of Israel Abrahams, New York, 1927, pp. 348 ff.

[3] G. F. Moore, op. cit., pp. 359 f.; S. Zeitlin, Second Jewish Commonwealth, Philadelphia, 1933, pp. 38-39; and also in Ner Ma'arabi, 1925, pp. 137–142; Henry Englander, The Men of the Great Synagogue, in Hebrew Union College Jubilee Volume, Cincinnati, 1925, pp. 145–161; cf. also Margolis-Marx, History of the Jewish People, Philadelphia, 1927, pp. 131–133.

[4] See S. Zeitlin, op. cit.; and cf. also Abram Menes, Die vorexilischen Gesetze Israels, Giessen, 1928, pp. 90 ff.; and Finkelstein, The Pharisees, Philadelphia, 1938 (hereafter cited simply as Pharisees), pp. 576 ff.

[5] See Pharisees, loc. cit., and below note 42.

struggled to replace the prophets in that they relied primarily on Oral Tradition to preserve their teachings. They were Scribes only insofar as they wrote copies of the Law; they did not in the main compose new works. The material which they gathered and composed is incorporated in the Talmudic tradition, and is almost entirely anonymous. As a result, it has thus far proven quite impossible to separate their early teachings from those of their followers, and we can rarely say with certainty whether a particular norm arose in the second or third century B.C. or in the first or second century of our era. It is this fact which, primarily, accounts for the difficulty in constructing a history of Jewish law and theology, during the Second Commonwealth.

Only within the last century have there been made fully accessible works like the Testaments of the Twelve Patriarchs, the Book of Jubilees, the Books of Enoch, and the Document of the Sect of Damascus (the so-called Zadokite Document) which give us some definite contemporaneous information regarding law and theology in the second century B.C. But each of these books comes from circles which represented special interests, and were apparently of limited influence. None of them is written with the responsibility attaching to authors who had any official position in Judaism.

It is, therefore, a most fortunate chance which enables us to discover in the well-known service for Passover evening an ancient Midrash, which can now be dated as belonging to the last half of the third century or the first half of the second century B.C. The fact that this is three hundred years earlier than the date of the compilation of any similar tract so far identified, would itself make this Midrash significant.[6] It happens, however, that the contents of the Midrash are of singular importance, from an historical as well as from a theological point of

[6] It is probably inaccurate to describe *Megillat Ta'anit*, which was apparently composed during the first century (or at the latest the first half of the second century), as a Midrash. After that work, the oldest compilations are probably those incorporated in our halakic midrashim; concerning which see Ch. Albeck, Untersuchungen ueber die halakischen Midraschim, Berlin, 1927; cf. also my discussion of the Sifre in Proceedings of the American Academy of Jewish Research, 1931–1932, p. 41.

view. They assume an especial significance, as will be shown, because they emanate from the circles of the highest temple ecclesiastics, probably from the High Priest himself, giving us for the first time definite information regarding the views of these distinguished circles of Jewish thought.

The Midrash (hereinafter referred to as M) has been preserved in all the extant rituals for the Passover evening, as well as in a number of Genizah fragments,[7] in practically identical form, so that there can be little question of the original form of the text. In form, it is a running commentary on the following verses from Deuteronomy (26. 5–8), the passage recited by the pilgrims when they brought the first fruits to the Temple: "A wandering Aramaean was my father,[8] and he went down into Egypt, and sojourned there, few in number, and he became there a nation, great, mighty and populous. And the Egyptians dealt ill with us, and afflicted us, and laid upon us heavy bondage. And we cried unto the Lord the God of our fathers, and the Lord heard our voice, and saw our affliction, and our toil, and our oppression. And the Lord brought us forth out of Egypt with a mighty hand, and with an outstretched arm, and with great terribleness, and with signs, and with wonders."

The passage was obviously selected as basis for the Midrash, because it was part of the confession recited each year by the pilgrims, and was, therefore, well known by the people. Even people who could not read every part of Scripture with ease could recall this passage; and those who had no books could recite it by heart.[9]

[7] In addition to the fragments used by I. Abrahams, in J. Q. R., X, 1897, pp. 41 ff.; W. Bacher, ibid., pp. 380 ff.; and J. Greenstone in ZfHB, XV, 1911, pp. 122 ff.; I have consulted the following fragments from the Adler collection in the Library of the Jewish Theological Seminary of America: 2840, 2841, 3214, 3222, 3762, and 3775, all of which contain the part of Passover Haggadah including M.

[8] Heb. *'arami 'obed 'abi*, which is interpreted by the Midrash as though it read *'arami 'ibed 'abi*, "An Aramaean destroyed my father." See below for the discussion of this difference between the received text and the interpretation.

[9] See Deut. 26. 5a; Mishna Bikkurim 1. 1. It is interesting to note that the Karaites also recite the biblical passage, Deut. 26. 5–8 in their Passover Haggadah, though they omit the Midrash (see Ha-Haggadah Shel Pesah 'Im Targum 'Arabi Ke-Minhag Ha-Karaim, Pressburg, 1879, p. 3).

M itself may be translated as follows:

I. 1. Go forth and learn. What did Laban the Aramaean intend to do to our father, Jacob? For Pharaoh decreed the destruction only of the males, while Laban sought to destroy the whole family. Thus it is written, *The Aramaean sought to destroy my father*[10] *and he (my father) went down into Egypt and sojourned there, few in number, and he became there a nation, great, mighty, and populous.*

II. 1. *And he went down into Egypt;* compelled thereto by the word of God.[11]

2. *And sojourned there.* This teaches us that he did not go down into Egypt to settle there, but only to sojourn, as it is said, "And they said unto Pharaoh: To sojourn in the land are we come; for there is no pasture for thy servants' flocks; for the famine is sore in the land of Canaan. Now therefore let thy servants dwell in the land of Goshen" (Gen. 47. 4).

3. *Few in number,* as it is said, "Thy fathers went down into Egypt with threescore and ten persons; and now the Lord thy God hath made thee as the stars of heaven for multitude" (Deut. 10. 22).

III. 1. *And he became there a nation.* This teaches us that the Israelites were distinguished there.

IV. 1. *Great and mighty,* as it is said, "And the children of Israel were fruitful and multiplied, and waxed exceedingly mighty, and the land was filled with them" (Exod. 1. 7).

[10] See note 8.

[11] The passage "Compelled thereto by the word of God" is omitted in the version of the Haggadah found in the Code of Maimonides and in the ritual of the Yemenite Jews. It was probably also lacking in the text of the Haggadah used by R. Saadia Gaon (882–942 of our era) in composing his famous Seder R. Saadia, since he makes no comment on it. It is also lacking in the version preserved in the Genizah fragment described by I. Abrahams, in J. Q. R., X, 1897, p. 50, fragment no. IX; while the Ms. described by him (ibid., p. 45), as well as that described by J. Greenstone in ZfHB, XV, 1911, p. 123, read *'anush* instead of *'anus,* meaning, "made to suffer through the word of God." Apparently those responsible for this usage had hesitated to delete the ancient passage, and yet felt the need of changing it somewhat so as to reconcile it to their sojourn in Egypt. A similar need apparently led the copyist of Cod. Adler 3222, in the Library of the Jewish Theological Seminary of America (or the group which formulated the version it represents), to add an explanation of the words "compelled thereto by the word of God." Unfortunately, the text is so mutilated that the explanation cannot be reconstructed. It is also to be noted that the phrase, "compelled thereto by the word of God," does not occur in the comment of either the Sifre or the Midrash Ha-Gadol on Deut. 26. 5. With regard to the Sifre, it is possible that its compiler rejected the phrase as he rejected other parts of M, which seemed to him unsupported by Scripture (see below, Appendix II). The omission in the Midrash Ha-Gadol, which transcribes all the rest of M, indicates that, as might be expected, it follows the Yemenite ritual of the Haggadah (see Proceedings of the American Academy of Jewish Research, 1931–1932, pp. 20 ff.).

2. *And populous*, as it is said, "I caused thee to increase, even as the growth of the field; and thou didst increase and grow up, and thou camest to excellent beauty" (Ezek. 16. 7).

V. 1. *And the Egyptians dealt ill with us*, as it is said, "Come let us deal wisely with them lest they multiply, and it come to pass that, when there befalleth us any war, they also join themselves unto our enemies, and fight against us, and get them up out of the land" (Exod. 1. 10).

2. *And afflicted us*, as it is said, "Therefore they did set over them taskmasters to afflict them with their burdens. And they built for Pharaoh store-cities, Pithom and Raamses" (ibid. 1. 11).

3. *And laid upon us heavy bondage*, as it is said, "And the Egyptians made the children of Israel to serve with rigor" (ibid. 1. 13).

4. *And we cried unto the Lord, the God of our fathers*, as it is said, "And the children of Israel sighed by reason of the bondage, and they cried, and their cry came up to God, by reason of the bondage" (Exod. 2. 23).

5. *And the Lord heard our voice*, as it is said, "And God heard their groaning, and God remembered His covenant with Abraham, with Isaac, and with Jacob" (Exod. 2. 24).

VI. 1. *And He saw our affliction.* This refers to the forcible separation from marital intercourse,[12] as it is said, "And God saw the children of Israel and God took cognizance of them" (Exod. 2. 25).

2. *And our toil.* This refers to the children, as it is said, "Every son that is born shall ye cast into the river, and every daughter shall ye save alive" (Exod. 1. 22).

3. *And our oppression.* This refers to the oppression, as it is said, "Moreover I have seen the oppression wherewith the Egyptians oppress them" (Exod. 3. 9).

VII. 1. *And the Lord brought us forth from Egypt.* Not by means of an angel, nor by means of a seraph, nor by means of a messenger;[13] but the

[12] In Cod. Adler 3775, the passage, "This refers to the forcible separation from marital intercourse" is inserted in the comment on the words, "and our toil," instead of on the words, "and our affliction," taking the place of the phrase, "This refers to the children," which is entirely omitted. In Cod. Adler 2841, there is a similar transposition, except that the words, "This refers to the children," are retained so that the passage reads: "*And our toil.* This refers to the forcible separation from marital intercourse. This refers to the children, as it is said, 'Every son etc.'" I. Abrahams cites a Genizah fragment, the reading of which corresponded to that of Cod. Adler 3775 (J. Q. R., loc. cit., p. 45).

[13] Some texts add here, "Nor by the word," referring to Alexandrian doctrine of the Logos (see e.g. I. Abrahams, Some Egyptian Fragments of the Passover Hagada, J. Q. R., X, 1897, p. 47; and Seder R. Saadia, in Frumkin, Seder R. Amram, Jerusalem, 1912, 108b).

Holy One, blessed be He, Himself, in His glory, as it is said, "For I will go through the land of Egypt in that night; and will smite all the first-born in the land of Egypt, both man and beast; and against all the gods of Egypt will I execute judgments: I am the Lord" (Exod. 12. 12). "I will go through the land of Egypt," [14] I, and not an angel; "And I will smite all the first-born," I, and not a seraph; "And against all the gods of Egypt will I execute judgments," I, and not a messenger; "I am the Lord," [15] I am He and no other.

2. *With a mighty hand.* This refers to the murrain, as it is said, "Behold the hand of the Lord is upon thy cattle which are in the field, upon the horses, upon the asses, upon the camels, upon the herds, and upon the flocks; there shall be a grievous murrain" (Exod. 9. 3).
3. *And with an outstretched arm.* This refers to the sword, as it is said, "Having a drawn sword in his hand, stretched out over Jerusalem" (I Chron. 21. 16).
4. *And with great terribleness.*[16] This refers to the visible manifestation of the Divine Presence, as it is said, "Or hath God essayed to go forth to take Him a nation from the midst of another nation, by trials, signs, and by wonders, and by war, and by a mighty hand, and by an outstretched arm, and by great terrors, according to all that the Lord your God did for you in Egypt before thine eyes" (Deut. 4. 34).
5. *And with signs.* This refers to the rod, as it is said, "And thou shalt

[14] The remainder of the passage is omitted according to the version of the Haggadah found in the Seder R. Saadia, the Code of Maimonides, and the ritual of the Yemenite Jews. The view that it is to be omitted is also cited in Shibbale Ha-Leket (ed. Buber, 97a). But it is found in all the other rites; I therefore cannot follow E. D. Goldschmidt, Die Pessach-Haggada, Berlin, 1937, p. 54, in rejecting it. It was doubtless omitted by some rabbis because they were offended by the emphatic denial of the angels, which is implied in it.

[15] It is clear that it is only the words, "I am the Lord," which justify the special interpretation put upon the biblical passage. In all the other phrases the personal pronoun is in no way emphasized. The commentators on the Haggadah have, of course, noticed this and remark that the compiler projects the emphasis on "I am the Lord," into the other phrases.

[16] The compiler obviously read the biblical text *ubemar'eh gadol* "and with a great Vision," rather than *ubemora' gadol* "And with great terribleness," as the Massoretic Text has it. For the evidence that the former was the original reading, see notes 38, 39. The fact that the compiler read *ubemar'eh gadol* was specifically noted by Geiger, Urschrift, pp. 339 ff.; but his view was partially adumbrated by mediaeval writers. Isaac Abravanel in his commentary on the Haggadah, notes that the consonantal text of the biblical verse can still be read *ubemar'eh*, since it omits the *vav* which would naturally follow the *mem*, if the correct reading were *ubemora'*. The remark is repeated by Jacob Emden in his commentary on the Haggadah. Similarly, Mahzor Vitry, ed. Horowitz, p. 293, Siddur Rashi, ed. Buber, p. 193, Orhot Hayyim of R. Aaron Ha-Kohen of Lunel, 83b, and Kol Bo 51, remark that the words *ubemora' gadol* are taken by the compiler of the Haggadah as the equivalent of *ubemar'eh gadol.*

take in thy hand this rod, wherewith thou shalt do the signs" (Exod. 4. 17).

6. *And with wonders.* This refers to the blood, as it is said, "And I will show wonders in the heavens and in the earth, blood and fire and pillars of smoke" (Joel 3. 3).

The numbers prefixed to the sections and the sub-sections have, of course, been added by me; but they reflect, as can be seen from a close examination of the text, a division inherent in M itself. The compiler of M was obviously a systematic thinker who arranged his work according to a clearly recognizable scheme, which can be reduced to the following outline:

I. Introduction, denouncing Laban the Aramaean for seeking to destroy Jacob.
II. Protest against emigration from Palestine to Egypt.[17]
III. Exhortation to the Egyptian Jews to retain their ancestral customs.
IV. Reflections on the rapid increase of the Israelites in ancient Egypt.
V. Citations of parallels to Deut. 26. 6–7, from the relevant verses of Exodus.
VI. Denunciation of the Egyptian bondage.
VII. Enunciation of four propagandist views, of which two concern theology, and two politics.

The transparent lucidity of M is the more remarkable because the Midrashic style necessarily compelled the compiler to arrange his material with a view to the basic Pentateuchal passages which he had chosen as his text. That in spite of this he succeeded in keeping a systematic order for his ideas, marks him as master of rhetorical form.

In the present analysis of M, an effort is made to demonstrate the following propositions:

1. M was composed no later than the Maccabean Age; and probably before that, in the last decades of the third century B.C.
2. It is essentially a propagandist tract, endeavoring to impress the views of its compiler on the many pilgrims who came to Jerusalem for the Passover.
3. Several of the views it inculcates were opposed to those of the great mass of Hasideans and later Pharisees.

[17] Section II, 3, offers, as will be shown below, Appendix I, a reassurance to the Egyptian Jews that the discouragement of immigration to their country will not interfere with their numbers, which depend, after all, on the blessing of God and natural increase.

4. It is the work of a patrician, probably of a High Priest.
5. Several parts of it were addressed to the pilgrims from Egypt, and sought to stem the tide of assimilation in Alexandria and other large Egyptian communities.

I. The Date of M

The date of M necessarily falls between the fourth century B.C. and the third century of our era. These limits are set by the following considerations:

(*a*) The Midrashic style used by M as well as its diction and its concepts all belong to the Second Commonwealth, and a period later than Ezra.

(*b*) It cites the Book of Chronicles, which was certainly put into its present form no earlier than the fourth century B.C.

(*c*) On the other hand, M is itself cited in the tannaitic Midrashim which were compiled in the third century of our era.[18]

Once these limits are recognized, the actual date is fixed more narrowly, in my opinion, by the opening words of M: "Go forth and learn. What did Laban the Aramaean intend to do to our father, Jacob? For Pharaoh decreed the destruction only of the males, while Laban sought to destroy the whole family. Thus it is written, *The Aramaean sought to destroy my father.*"

It would under any circumstances seem peculiar that the story of the Exodus, which deals primarily with Egypt, should open with a denunciation of Laban as having been worse to Israel than Pharaoh. It becomes amazing when we consider that the words on which the compiler of M relies to prove his contention, are simply misinterpreted by him. The Hebrew reads: *'arami 'obed 'abi*, which can only mean, "My father was a lost Ara-

[18] Excerpts from M are incorporated in Sifre Deut. 301, ed. Friedmann 128a, Finkelstein 319; in Mekilta on Deuteronomy, reproduced from the Midrash Ha-Gadol in Midrash Tannaim, ed. Hoffman, pp. 172–173; and in Sifre Numbers 115, ed. Friedmann 35b, Horowitz 128. It certainly provided the basis for the remark that no angel participated in the Exodus, cited in Mekilta Bo, chap. 7, Friedmann 7b, Horowitz-Rabin 23, Lauterbach I, 53; and ibid., chap. 13, Friedmann 13b, Horowitz-Rabin 43, Lauterbach I, 97. It is specifically cited in B. Yoma 74b. For the date of the tannaitic Midrashim, see Ch. Albeck, Untersuchungen ueber die halakischen Midraschim, p. 119 and Finkelstein, Proc. Am. Acad. of Jewish Research, 1931–1932, p. 41.

maean." In order to establish the guilt of Laban, the compiler must read the words, *'arami 'ibed 'abi*, "the Aramaean destroyed my father." But this is a clear distortion of the text.

The daring perversion of the reading of the Scriptures can be explained only on one of two hypotheses. (A) It may have been an expression of Maccabean hostility toward Syria, which was identified with Aram.[19] (B) It may be an effort, made while Palestine was under Egyptian suzerainty, to placate the Egyptian government, by denouncing its rival, Syria. It was particularly necessary to do this before telling the story of the Exodus, which recalled unpleasant relations between Egypt and Israel.

Of the two hypotheses, the second seems to me the more plausible, for several reasons which will soon become apparent. Of these, the most important is the fact that the Septuagint, which was composed by Jews under Egyptian rule, likewise perverts the meaning of the words *'arami 'obed 'abi*. Its texts render the phrase as though it read *'aram y'obed* (or *ye'abed*) *'abi*, which is forced into the sense of "My father forsook Aram." Apparently the authors of the Septuagint, like the compiler of M, hesitated to identify the ancestor of the Jews as an Aramaean. The close relationship between the Septuagint translation and the interpretation put on the phrase *'arami 'obed 'abi* in M is a definite indication that the two works were composed under similar circumstances, that is in the third century B.C., and under Egyptian control.[20]

[19] It is true that the Hellenist kingdoms of Syria and Egypt did not consider themselves identical with the older nations of those countries, but rather part of the Macedonian Empire, which had been divided. Nevertheless, under the stress of the bitter rivalry between the Ptolemies and the Seleucids for the control of Palestine, it is clear that a statement making Jacob an Aramaean would be definitely pro-Seleucid. For the identification of Laban with Syria, see e.g. Sanhedrin 105a, where Laban is identified with Beor the father of Balaam. Elsewhere, he is identified with Balaam himself and declared King of Aram. See Ginzberg, Legends of the Jews, Index, s.v. Laban. The argument presented below remains in general equally valid if the first hypothesis be accepted; the date of M must simply be fixed, in that event, about 150 B.C. instead of between 240 and 220 B.C.

[20] The Rabbinic tradition recalls the fact that the authors of the Septuagint frequently changed their text out of deference to Egyptian sensitivity (see Megillah 9A; Masseket Soferim 1. 8, ed. Higger, p. 101). Similarly, mediaeval copyists and printers

A résumé of the political conditions in Palestine during the third century B.C. will further demonstrate the validity of this hypothesis. The facts are easily summarized.[21] From about the year 301 B.C. to 198 B.C. Palestine was under the control of the Egyptian Ptolemies. The Ptolemies did not, however, govern the country directly. They preferred to entrust as much authority as possible to the High Priests, who thus became the temporal as well as the ecclesiastical rulers of the land.

Under these circumstances, it was altogether natural for the High Priests to look upon themselves as representatives not merely of the Temple but of the Imperial Egyptian Government. They, especially, must have felt that the Passover service ought to begin with a rejection of implication that the Israelites were *kinsmen* of the Aramaeans or Syrians.

It was all the more important to make such a declaration because the Scriptures lay great emphasis on the close relationship of Israel to Aram. Not only does the verse in Deuteronomy 26. 5, which is the subject of the Midrash, describe Jacob as "a wandering Aramaean," but many other passages tell how the patriarchs continually looked toward Syria and Mesopotamia as their home countries.[22] And, on the other hand, the prophets

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were careful to avoid the use of the word *Romi* for Rome where that might offend the rulers of contemporary Rome, and instead wrote *'aram* or *'Edom* and the words *'abodah zara* "strange worship" are regularly replaced in current editions of the Talmud by *'akum* "the worship of the stars and the planets," so as to avoid giving offense to Christians. In each case, careful consideration of the passages would show that there was no allusion to contemporaries; but there was need of avoiding any possible imputation of giving offense.

[21] For the reconstruction of the history given below, see Eduard Meyer, Ursprung und Anfaenge des Christentums, II, pp. 3 ff., 128–137; Tscherikower, Ha-Yehudim veha-Yevanim, pp. 95, 183; Z. S. Zeitlin, The History of the Second Jewish Commonwealth, Philadelphia, 1933, pp. 11–33; Marx-Margolis, History of the Jewish People, pp. 128–129; E. R. Bevan, The House of Seleucus, London, 1912, pp. 50 ff., 191–234; and Pierre Jouguet, Macedonian Imperialism and the Hellenization of the East, New York, 1938, pp. 189–192.

[22] Abraham insists that Isaac marry a daughter of Aram, rather than one of those of Canaan (Gen. 24. 3 ff.); and similarly Jacob is sent to Aram to seek a wife (ibid., 27. 46; 28. 1 ff.), Elijah and Elisha have close relations with Aram (I Kings 19. 15; II Kings 5. 1 ff.; 8. 7 ff.), and it is well known that the prophets, Isaiah and Jeremiah, as well as the others whose works have been preserved, were always pro-Babylonian and pro-Assyrian in their diplomacy, but definitely anti-Egyptian (see Pharisees, pp. 423 ff.).

never tire of warning Israel and Judah against reliance on Egypt; and the Lawgiver repeats continually the command not to act "after the manner of Egypt." [23]

The rivalry between Egypt and Mesopotamia, which played such an important part in pre-exilic thought, had reached a new climax after the death of Alexander the Great (323 B.C.).

Ptolemy, who had obtained the government of Egypt, had been driven out of Palestine in the year 315 B.C. by his rival, Antigonus. His forces returned three years later, in 312 B.C., when Antigonus was preoccupied with other wars. But they remained for only a very brief period; for Antigonus, having defeated his other enemies, soon turned his attention to Palestine and regained the mastery of it. It was only after Antigonus met his death at the decisive Battle of Ipsus (301 B.C.) that Ptolemy's armies once more seized the land.[24]

But while Ptolemy was now in undisputed possession of Palestine *de facto*, he found himself denied any share in it *de jure*. He had taken no part in the Battle of Ipsus; and the victors, one of whom was his former ally, Seleucus, denied him any share in the spoils. Indeed, the victors of Ipsus had agreed among themselves that Palestine was to be awarded to Seleucus, who had become ruler of Syria.

Just what happened between Egypt and Syria during the next two decades is uncertain. We know only that by the year 280 B.C. Ptolemy Philadelphus was firmly in control of Palestine, although the Seleucids never recognized the Egyptian claim to it. Indeed as late as the year 219 B.C., almost a century after the Battle of Ipsus, Antiochus III, the ruler of Syria, still formally claimed the right to rule Palestine by virtue of the agreements made in the year 301 B.C.

From 274 to 240 B.C., there were sporadic wars between Egypt and Syria. While these were in the main fought far from the land of Israel, the fate of Palestine naturally was continually in the balance. The tension among the people is reflected in the

[23] Lev. 18. 3.

[24] As indicated below, historians disagree regarding the precise status of Palestine between 301 and 281 B.C. We have no definite information as to whether it was under the control of the Seleucids or the Ptolemies during most of these two decades.

curious incidents surrounding the rise of Joseph ben Tobiah, about 240 B.C.[25]

Onias II, the High Priest at the time, had taken advantage of a state of war between Egypt and Syria, to refrain from sending the usual taxes to Ptolemy. When the Imperial Government protested, Joseph ben Tobiah, who was the son of the High Priest's sister, and perhaps the most opulent layman in Judea, interfered to restore peace. In recognition of this service, the Egyptian Government appointed him tax-farmer not only for all Palestine, but also for all the Egyptian possessions in Syria.

The importance attached to this incident may be judged from the legends which surrounded it and which have been fully recorded by Josephus.[26] The rise of this lay family into unprecedented prominence threatened the supremacy of the High Priesthood in Jerusalem, and doubtless was an important factor in the Hellenizing movement which reached such proportions at the beginning of the second century B.C., and which ultimately led to the religious persecutions of Antiochus Epiphanes and the Maccabean Rebellion.

In the year 219 B.C., Antiochus III undertook another effort to gain control of Palestine. He was defeated at the Battle of Raphia (217 B.C.); but this did not prevent him from renewing his efforts when the death of Ptolemy Philopator in the year 204 B.C. left the Egyptian rule in the hands of the regents of the five year old Ptolemy V. This time Antiochus was successful, and after 198 B.C. Palestine passed into the hands of the Seleucids, where it remained until it achieved its independence under the Hasmoneans.

We may well imagine with what care the Egyptian government watched the development of Palestinian sympathies during this period of continuous wars. The Passover celebration which brought pilgrims to the Temple from all parts of Palestine, and also from other countries, was, by its very nature as has already been suggested, reminiscent of an ancient struggle between Egypt and Israel. Clearly it was essential that the High Priests divest the ceremony of any implications which

[25] Ha-Yehudim ve-ha-Yevanim, pp. 170 ff.

[26] Antiquities XII. 3. 3.

could possibly be interpreted as pro-Seleucidean. And it was above all, important, under the circumstances, to place a suitable interpretation on so unfortunate a phrase — from their point of view — as, "A wandering Aramaean was my father." The High Priests had no choice but to transform the significance of the verse; and to interpret it as saying that historically there was even greater bitterness between Israel and Syria, than between Israel and Egypt!

II. The Propagandist Nature of M

The study of the Introduction to M has shown that the work was compiled with a view to the influence it would exert on the people who recited it or heard it. This is further demonstrated by the nature of the rest of the text. The second section supplements the words "And he went down into Egypt," with the phrase, "Compelled thereto by the word of God." Now, the Scriptures nowhere indicate that Jacob was compelled to go to Egypt "by the word of God." On the contrary, he went to Egypt, because he discovered that Joseph was still living there. Genesis 46.3, simply relates that God assured Jacob of His protection during the sojourn in Egypt; but makes not the slightest suggestion that God commanded Jacob to go down to that land.

It is clear that the compiler of M attempts to reinterpret history in the light of contemporaneous conditions; and describes Jacob as being forced to go to Egypt, in order to discourage contemporary Jews from following their ancestor's example.

Absolute proof that this is the correct interpretation of M is offered by the fact that the later Egyptian Jews omitted this passage from their version of the Passover Haggadah.[27] Nat-

[27] See above, note 11. The Genizah fragments naturally represent the Egyptian ritual. That the Seder R. Saadia also represents that ritual is demonstrated by Professor Louis Ginzberg, in Geonica I, p. 167, note 1. It is well known that Maimonides composed his Code in Egypt, and that he followed the ritual of that country. The Yemenite Jews looked to the neighboring Jews of Egypt and especially to Maimonides for guidance in their worship. It must be noted, however, that there are a number of Genizah fragments containing the phrase, "compelled thereto, etc." (See I. Abrahams, J. Q. R., X, 1897, pp. 45, 47, 48, and 49; W. Bacher, ibid., p. 380; and Cod. Adler, in

urally, they could not recite each year a statement which denounced them as sinful, because they lived in Egypt voluntarily![28]

The following passage of M continues in the same vein. It insists that even those Jews who are compelled to reside in Egypt, through force of circumstance, must look on their stay as temporary, and should await the possibility of their return to Palestine.[29] To emphasize this point the compiler of M stresses the fact that Jacob "did not go down into Egypt to settle there, but only to sojourn."

In the third division, the compiler of M denounces the tendency of his contemporary Egyptian co-religionists to assimilate, by reminding them that their ancestors, the Israelites, when they resided in Egypt, were distinguished from the other people.[30]

Library of the Jewish Theological Seminary of America 2840 and 3222.) Possibly these fragments represent the rituals of localities which had come under the influence of Jews of other countries.

[28] It is noteworthy that according to most texts M fails to cite any biblical verse in support of its singular statement. The only verse which is cited in any version is the irrelevant passage, Gen. 46. 3. The famous scholar, R. Elijah Gaon of Wilna, realizing the difficulty of finding some basis for the interpretation in Scripture, explains that Jacob was compelled to go to Egypt in the sense that he was destined to do so. He remarks in his commentary (Wilna, 1818), "The meaning is that he was compelled to go to Egypt because thus was it ordained for him that he should come to Egypt; and God brought it about that he should come to Egypt through a commandment; as our Sages say, 'Jacob, our father, was fated to come to Egypt in iron chains, but his merit liberated him from them' (Shabbat 89b). This is what the author of the Haggadah means by the remark, '*compelled by the word*' — his merit caused him to come through the word, and not in chains." Another commentator (Abraham Danzig, in his commentary, in the same edition) explains that Jacob was compelled to go to Egypt through the famine (Gen. 45. 11), which means, of course, that he was compelled by God. A later rabbinic Midrash, the author of which apparently forgot for the moment the explicit statement of M, maintains that Jacob came to Egypt of his own free will (see Mekilta, Beshallah, Proemium, ed. Friedmann 24b, Horowitz-Rabin 80, Lauterbach I, 181).

[29] For the rapid increase of the number of the Egyptian Jews during this period, see S. W. Baron, A Social and Religious History of the Jews, I, 134 ff.; and III, 33. That many of the Jews who settled in Egypt were compelled to do so by the Egyptian government, is indicated in Josephus, Antiquities XII. 1. 1.

[30] The word *mezuyyanim* as used in this passage of M can only mean "distinguished" in the sense of "distinct." Any attempt to give it an honorific meaning such as "noted" etc., is rendered futile by the fact that the comment is attached to the words, "And he became there a nation." Siddur Rashi and Mahzor Vitry, doubtless reflecting the

But perhaps the clearest evidence of the propagandist nature of M is offered by the final paragraph which deals definitely with questions of theology and politics. The views expressed in that paragraph are definitely partisan, and patrician; and are clearly intended to win the masses of the pilgrims over to the views of the compiler of M.

III. The Theological and Political Views of the Midrash

A. *The Existence of Personal Angels*

The emphatic and repeated denial in VII, I, that the angels participated in the Exodus, is the more remarkable because it directly contradicts the statement of Scripture, "He sent an angel and brought us forth out of Egypt" (Num. 20. 16).[31] Indeed, the story of the Exodus itself implies that it was an angel of the Lord, rather than God, Himself, who smote the

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thoughts and circumstances of French Jews of the eleventh and twelfth centuries, explain that the Israelites in Egypt were "distinguished" by being gathered into one locality rather than scattered in many places. Shibbale ha-Leket, however, with far closer approach to the true meaning of M, maintains that the Israelites in Egypt were distinguished by their clothes and their customs. In support of this interpretation of M, Shibbale ha-Leket cites the famous passage of Vayyikra Rabbah, "The Israelites were redeemed from Egypt for four reasons: They had not changed (*a*) their names or (*b*) their language; (*c*) they had spoken no evil of one another; and (*d*) they had refrained from sexual impurity." (Leviticus R. 32. 5.) This interpretation is, in general, also followed by Abravanel and R. Elijah of Gaon of Wilna. The tradition that the Hebrews in Egypt did not "change their name, and did not change their language," is recorded also in Mekilta Bo, chap. 5, Friedmann 5a, Horowitz-Rabin, p. 14, Lauterbach I, p. 34. These passages in the Rabbinic Midrashim are, of course, likewise intended as polemics against the assimilationist tendency of the contemporary Jews of Egypt and the other parts of the Diaspora.

[31] The Septuagint to that passage, doubtless under the influence of contemporary exegesis, translates "And having sent an angel, He brought us forth from Egypt." Rashi, attempting to reconcile the biblical passage with M, interprets *mal'ak* in Numbers 20. 16, as meaning a prophet, and makes the word refer to Moses. Targum Ps. Jonathan explicitly states, "And He sent one of his archangels and he brought us forth from Egypt." Apparently with a similar view in mind, the Septuagint translators of Isaiah, rendered Isaiah 63. 8b–9 not as we have it, "so He was their Saviour. In all their affliction He was afflicted, and the angel of His presence saved them"; but rather, "And He became their Saviour from all their affliction. Not a messenger (apparently punctuating *zir* instead of *zar*) nor an angel, but He Himself saved them."

first-born, for the Israelites were warned to observe every detail of the ritual carefully, that the Lord may not "suffer the destroyer to come" into their houses (Exod. 12. 23). In view of this, the insistence of the Midrash that no angel took part in the miracle of the Exodus can have but one purpose. It is, in effect, an emphatic protest against the belief in angels, as God's intermediaries, a belief which was gaining continually wider currency throughout the period of the Second Commonwealth.[32] Not Gabriel, nor Michael, but God Himself, intervened for Israel in the most critical moment in its history. The authority which M gained as part of the Passover Haggadah was ultimately so great, that those who believed in personal angels felt compelled to defend their position against this implication. To achieve this purpose, they inserted, immediately after the passage denying any participation of the angels in the Exodus, the following explanatory statement, still preserved in several versions of the Haggadah:[33]

[32] The denial that the angels participated in the Exodus is cited, with probable reference to the Passover Haggadah, in Yer. Sanhedrin 2. 1, 20a; ibid., Horayot 3. 2, 47a. Interestingly enough Mekilta insists that the destruction of the first-born did not occur through an angel (Mekilta Bo, chap. 7, Friedmann 7b, Horowitz-Rabin 23, Lauterbach 1, 53; see also parallel passage ibid., chap. 13, Friedmann 13b, Horowitz-Rabin 43, Lauterbach I, 97). The commentators on the Passover Haggadah were, of course, disturbed by the passage denying that the angels participated in the Exodus, in view of the statement in Numbers 20. 16, and especially in view of the fact that Moses was clearly the "messenger" of God at the Exodus. They offer various explanations of the difficulty. Abravanel insists that it only means that God redeemed the Israelites, but He made use of "different instruments," in accomplishing His will; R. Yom Tob ben Abraham of Seville maintains that the redemption occurred without any intermediary, and he explains Numbers 20. 16, precisely as does the Septuagint. The same interpretation is cited also in Shibbale ha-Leket. With the various statements denying the use of angels as intermediaries, cf. also Sifre Deut. 325 (Fr. 139a), which comments on the verse, "To Me belongeth vengeance and recompense" (Deut. 32. 35), as follows: "I Myself will punish them; I will not punish them through an angel or an intermediary."

[33] See excerpts from Seder R. Saadia, printed in Frunkin, Seder R. Amram, Jerusalem, 1912, p. 108b; Mahzor Vitry, p. 293; Siddur Rashi, p. 193; according to the rite of Yemen, the Haggadah according to the rite of Bagdad, edds. Calcutta, 1844, and 1889, and Bombay, 1887; and lastly in the appendix to E. D. Goldschmidt, Die Pessach-Haggada, p. 111. The passage is also cited in Midrash Ha-Gadol, on Exodus, 14. 25, ed. Hoffmann, p. 52. But, as Professor Louis Ginzberg surmised (Geonica, 1, p. 167, note 1, and more explicitly in Legends of the Jews, V. p. 433, note 213) this passage is not a genuine part of the Mekilta of R. Simeon. This can now be demonstrated by the

Our teachers,[34] of blessed memory, have said: When the Holy One, blessed be He, descended into Egypt, against the Egyptians, there descended with Him nine thousand myriads of beings. Some of them were angels of fire, some of them angels of hail, some of them angels of fright, some of them angels of trembling, some of them angels of trepidation. Trembling and trepidation seize anyone who beholds them. They said to God, "Master of the Universe, When a human king goes to war, his princes and servants surround him. And Thou art the King of the kings of kings, the Holy One, blessed be He; is it not appropriate [35] since we are Thy servants, and they are the children of Thy covenant, that we should descend, and wage war against the Egyptians." He answered, however, "My feelings will not be assuaged until I, Myself, in My glory, in My greatness, and in My Holiness, descend against them. I am the Lord, I am He, and no other!"

The author of this interpolation apparently did not feel free to contradict the statement of M denying that the angels participated in the Exodus. He simply endeavors to reconcile it with the views of those who believe in the existence of cohorts of angelic intermediaries. The angels might have intervened at the Exodus; but God would not permit them to do so.

This cannot, however, have been the thought in the mind of the compiler of M. On the contrary, *he* obviously wishes to deny that angels can act as intermediaries between God and man. In so doing, he enters into the long controversy about the existence of angels,[36] which beginning with Haggai and Zechariah (ca. 520 B.C.) continued until the compilation of the Mishna (740 years afterwards) and even later. Throughout

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fact that it is lacking in the Genizah fragments of the Mekilta of R. Simeon to the passage (see Jewish Studies in Memory of George Alexander Kohut, Hebrew section, p. 114). Nevertheless the ascription of the saying to R. Meir may be correct. At any rate it is certain that despite the authority of the Passover Haggadah and the Mekilta of R. Ishmael, many later scholars insisted that God descended to Egypt to redeem Israel, surrounded by hosts of angels. Indeed Shemot Rabbah explicitly states, in the comment on the verse, "For the Lord will pass through to smite the Egyptians" (Exod. 12. 23), "Some say through an angel, and some say the Holy One, blessed be He, Himself" (Shemot Rabbah 17. 5).

[34] With one slight deviation (indicated in the next note) I have followed the text of the interpolation as found in the Passover Haggadah used in the ritual of Bagdad.

[35] Reading *din hu*, with the other texts, rather than *dayyan hu* (He is the Judge) with the ritual of Bagdad.

[36] See Pharisees, pp. 160 ff. The controversy is described in Acts 23. 8, as sectarian, dividing the Pharisees, who accepted the belief in angels, from the Sadducees, who rejected it. But as suggested in Pharisees, pp. 181 ff., the controversy is not mentioned by Josephus or the Rabbinic Sages, because there were a considerable number of Phari-

this time, the patricians of Palestine denied, while the plebeians asserted, the existence of angels as intermediary beings between God and man. No one but a violent partisan would have drawn such a controversial issue into a text intended for universal use. The fact that the author of M did so, stamps him as a patrician, with pronounced factional views.

Moreover, since M, in spite of its partisanship, was adopted by plebeians no less than patricians, for the Passover evening service, the author must have been a person of recognized authority. We may rightly conclude from this alone that he was a distinguished priest, probably a High Priest.

It is improbable, however, that even the authority of a High Priest would have induced the plebeian opposition to accept such a document after the quarrel between John Hyrkan and the Pharisees. It follows, therefore, that the document must have been compiled before that time.

This tentative conclusion is confirmed by more cogent evidence which we will now consider.

B. *The Appearance of God in Visible Form*

The assertion that God appeared in visible form at the Exodus is a second theological statement of great importance. Like the question of the angels, so the question of the possibility of the appearance of the Deity in visible form was long disputed during the Second Commonwealth. In fact, as Leszynsky and Lauterbach [37] have pointed out, the issue was the basis of one of the major controversies between the Pharisees and the Sadducees, that regarding the manner in which the High Priest was to perform the ceremonies of the Day of Atonement. The Pharisees, as is well known, demanded that in accordance with the precise order of the biblical verses, the High Priest enter the

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sees themselves who opposed the highly developed angelology of later times. Perhaps they found support for their views in M. Nevertheless, it remains true that the Pharisees as a body refused to deny the existence of personal angels; and certainly would not have sanctioned the formulation of a Passover service which implied such a denial.

[37] Leszynsky, Die Sadduzaeer, p. 62; Lauterbach, Hebrew Union College Annual, IV (1927), pp. 185 ff., and see Pharisees, pp. 118 ff.

Holy of Holies, with a censer of fire in one hand and the incense in the other; and that only after he had entered the Holy Chamber should he put the incense on the fire. The Sadducees declared that he should put the incense on the fire before entering the Sacred Chamber.

As the scholars mentioned indicate, the Sadducees were moved to their view by their belief that God appeared in visible form in the Holy Chamber. To protect himself from seeing the Vision, the High Priest was to enter the Chamber behind a cloud of smoking incense. The Pharisees, who denied that God could be seen, insisted that the High Priest bear witness to his acceptance of their teaching, by entering the Holy Chamber, and performing the ceremony there.

In their opposition to anthropomorphism, the plebeian scholars transformed all the passages in Scripture which spoke of "seeing God," into "appearing before God." This involved but a slight change of pronunciation in Hebrew; but it was fundamental to the theology of the plebeians.

In fact, there can be little doubt that as Geiger has pointed out,[38] the verse *ubemora' gadol* which is translated "*and with great terribleness*," was originally read *ubemar'eh gadol* "*and with a great Vision.*" Only the reading *ubemar'eh gadol* could justify the interpretation, "this refers to the visible manifestation of God." And it is this reading which is reflected in the Septuagint, the Syriac, and most surprisingly of all, the Aramaic, versions.[39]

[38] Geiger, Urschrift, pp. 339 ff.

[39] Similar renderings of *ubemora'* are found also in the Septuagint, Peshitta, and Targumim to Deut. 4. 34, and Jer. 32.21. It is also found in Peshitta and Targumim to Deut. 34. 12. The Vulgate which in all the passages cited follows the Massoretic readings, translates the phrase in Deut. 4. 34, *horribiles visiones*, combining both senses. Geiger's view gains curious support from Sifre Deut. 161, Friedmann 105b, Finkelstein 212, which reads, according to the best texts (Vatican Ms. and commentary of R. Hillel): "*That he may learn to fear the Lord his God.* This teaches us that the Vision leads to reading the Scripture; reading the Scripture leads to translation; translation leads to study of the Mishna; study of the Mishna leads to discussion; discussion leads to deeds; deeds lead to fear (of God)." In ed. pr. as well as in the texts of the Yalkut, and the Mss. of the British Museum and Oxford, the word *she-ha-mar'eh* "for the vision" has been altered to *she-ha-mora'* "for the fear," which makes no sense whatever, since the series begins with "the fear" and ends with "the fear." It seems clear

We do not know the precise date when the reading *ubemora' gadol* (and with great terribleness) was substituted for *ubemar'eh gadol* (and with a great Vision). Certainly, it was before the year 100 of our era, for Aquila, who translated the Scriptures about that time, renders the phrase as though he had our present Massoretic text.

It is evident, however, that no matter how late the change in vocalization was made, the controversy regarding God's appearance in visible form is a most ancient one. Not only was it one of the fundamental controversies between the Pharisees and the Sadducees, but references to it appear in Scripture itself.

Under the circumstances, we must assume that the compiler of M, in interpreting the words *ubemar'eh gadol* as referring to the Visible Appearance of God, had in mind the controversy on the subject, and was endeavoring to clothe his teachings with the authority of an accepted and well-known Midrash.[40] This passage, then, like that regarding the angels, would indicate that the compiler was a patrician, and that he lived before the Pharisaic Order had attained sufficient power to prevent an

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that the later copyists, recoiling from the implication that God might appear in visible form, changed the original *mar'eh* into *mora'*. This renders it the more likely that a similar development occurred in the biblical texts.

It is interesting to note that the texts of the Sifre in which the reading *mor'a* has been substituted for *mar'eh* belong to the French group (see Proceedings of the American Academy of Jewish Research, 1931–1932, pp. 7 ff.). And curiously enough, as we have seen (note 16), it is in the French school that we find the clearest anticipation of Geiger's theory that *mora'* was originally *mar'eh*.

It must further be noted that apparently the *baraita* in the Sifre, which is now associated as indicated with Deut. 17. 19, really is a comment on the similar verse, Deut. 14. 23, which remarks concerning the tithes and the pilgrimages, "that thou mayest learn to fear the Lord thy God always." The author of the statement in the Sifre indicates the steps by which this fear of God is attained. The pilgrim comes to Jerusalem and sees the Vision of the Glory; this leads him to study, etc.; study leads to deeds; and deeds lead to the fear of God. Perhaps it was an early objection to the association of the Vision of God with the pilgrimage that caused the passage to be transferred in the first place to the verse about the King, where it was considered rather innocuous.

[40] It is probable that as with regard to the question of angels, so with regard to the issue of the appearance of God in visible form, the authority which attached to M as part of the Passover-Haggadah helped to preserve its view among patrician scholars. See Akiba, pp. 195–196; Pharisees, pp. 180 ff.

opinion contrary to the tenets of the majority of its members being introduced into a liturgical service.

IV. Conclusion

We have thus succeeded in showing that M is definitely controversial in its theology, presenting forcefully two patrician doctrines, namely the denial of the angels, and the possibility of God's appearance in visible form. Both of these doctrines were opposed by the main body of the Pharisees, viz. the plebeians, though they received some support from the patrician minority of the Order. It is inconceivable that after the organization of the Pharisaic Order, either doctrine could have been included in a tract intended for universal use on the Passover night. Their inclusion in M indicates that it originated before the rise of the Pharisaic Order, and therefore before the Maccabean period. The subjects of angels and the appearance of God in visible form were already controversial issues, however; and the compiler was trying to use the Passover celebration to foist his opinions on the people.

The patrician character of the teachings points to a priest as the compiler. And the fact that the Pharisees, both the plebeian and the patrician wings,[41] accepted M in the Passover service, indicates that the compiler was a man of the widest possible recognition. This, together with the consideration that Simeon the Righteous is known for other contributions to the liturgy,[42] makes it likely that he was himself the compiler.

This conclusion is supported by a consideration of the historical background which alone can account for the reference to Aram in the Introduction to M.

In the Appendix, further evidence will be presented regarding the propagandist character of M, and for its patrician origin.

[41] Concerning the two factions of the Pharisees, see Professor L. Ginzberg, Mekomah shel ha-halakah be-hokmat yisrael, p. 14. For their views on the issues presented in M, see Akiba, pp. 55, and Pharisees, pp. 118 ff., 160 ff.

[42] He made these contributions either directly or through the Great Assembly. See further regarding this subject, J. Q. R., N. S., XVI, 1925–1926, pp. 41 ff.; and XXI, 1928–1929, p. 229, note 1; as well as Pharisees, pp. 578 ff. For his interest in the study of the Torah, and therefore possibly in the Midrashic form, see Abot 1. 3, and the explanation offered in Pharisees, p. 63.

Appendix I: Other Teachings of M.

Several passages in M which cursorily read seem to have no special significance, turn out on examination to be quite important. One of these is II, 3, which cites in support of the phrase, "Few in number," the verse Deut. 10. 22. There are at least two other verses in the Pentateuch (Gen. 46. 27; Exod. 1. 5) which tell us that Jacob came to Egypt with a family of seventy souls. Either of them would have been in many respects more appropriate to the Midrash than the one cited; for they are direct records of the story rather than citations from the remarks of Moses, as is the verse actually quoted. They are passed over, however, in favor of the verse from Deuteronomy, because the latter stressed what was uppermost in the mind of the compiler: the contrast between the small number of Israelites who came to Egypt, and the large number who were descended from them. So important does this particular point seem to the compiler that he cites two other verses to prove his point. And we note that these other verses, likewise, stress the rapidity of the increase of the Israelites.

Perhaps the compiler is trying to indicate in his Midrashic manner, that while he discourages emigration to Egypt, the Egyptian Jews need have no fear for their numbers. With the Divine blessing on them, their community will grow by natural increase.

The fifth section simply cites Exodus 1. 8–10, as illustrating Deut. 26. 6.

In the sixth section, the compiler of M protests bitterly against the hardships of the Egyptian bondage. This may seem quite appropriate in a Midrash dealing with the Exodus. Yet some parts of the section show that the compiler is thinking of contemporary situations. When he interprets the words, "And He saw our affliction," to refer to "forcible separation from marital intercourse," he cannot be speaking of ancient Egypt, for there is no record that Egyptians inflicted such persecution on the Hebrews. It is a plausible surmise that the compiler of M has in mind the contemporary conscription of Jewish young men into the Egyptian armies, and the consequent interference

with their family life. This interpretation is supported by the following passage which reads, "*And our toil.* This refers to the children, as it is said, 'Every son that is born ye shall cast into the river, and every daughter shall ye save alive'" (Exod. 1.22). Once more the compiler is thinking of the seizure of young men in his own time, and comparing it to the even bloodier destruction of male children by the ancient Pharaoh.[43]

The commentators on the Haggadah have found perhaps the greatest difficulty with the following phrase: "*and our oppression,* this refers to the oppression, as it is said, 'Moreover I have seen the oppressions wherewith the Egyptians oppress them'" (Exod. 3. 9).

The compiler apparently adds nothing to the meaning of the text. But for some special reason he substitutes for the biblical word *ha-lahaz* (oppression) the neo-Hebraic *ha-dohak*, yet, peculiarly enough, cites a verse containing the word to support his interpretation!

It was natural for the commentators to suppose that the compiler was referring to some special form of persecution. But if we accept the third century B.C. as the date of the composition of M, the difficulty disappears. The readers and hearers of M knew well what oppression by Egyptian rulers meant; they suffered it every day. Quite aside from any detailed orders which they had to obey, they were conscious of continual petty oppression by the local Egyptian representatives.

The most obscure passages in M are perhaps VII, 2, and VII, 3, explaining the phrases "with a mighty hand," and "with an outstretched arm." The mighty hand is interpreted as the "murrain"; and the outstretched arm as "the sword."

Several questions come to our mind as we read these passages. Why should the compiler refer to the murrain rather than any of the other ten plagues? The question apparently occurred also to the talmudic authorities for they interpret the phrase, *the mighty hand* in Deut. 34. 12 as referring to all the ten

[43] It is also possible that the author wishes to avoid the implication that work as such is degrading or an evil to be avoided. He hesitates, therefore, to interpret "our toil" literally; God, in his opinion, would not have been moved simply by seeing the people at labor.

plagues, and cite in support of their view, Exod. 10. 12 ("And the Lord said unto Moses, 'Stretch out thy hand over the land of Egypt for the locusts'"). Others explain, that the *mighty hand* in that passage refers to the slaying of the first-born.[44]

But even more difficult is the reference to the sword.[45]

There is no record in the story of the Exodus of any battle between the Israelites and the Egyptians. Indeed the sword was conspicuously absent as a means of liberation of the Israelites. Everything happened through the hand of God. It is clearly a forced interpretation of M to suppose that the sword refers to the Divine sword through which the first-born of Egypt were slain. To escape the difficulty, the later sages invented a tale according to which the first-born of Egypt, fearing death because of the threat of Moses, turned in battle against their fathers, and sought to compel Egypt to liberate the Israelites.[46] But that can hardly have been in the mind of the original compiler.

What is perhaps even stranger than the invention of a battle against the Egyptians, is the citation in this connection of a verse recording the punishment of David and Jerusalem! The sword which the angel held in his hand, according to 1 Chronicles 21. 16, was directed against Jerusalem, in punishment for David's sin in counting the people. Why should such a memory

[44] The first interpretation is found in Midrash Tannaim 34. 12, p. 228; the second is found there as an alternative interpretation, and in Sifre Deut. 357, 150b as the only interpretation. The statement of R. Joshua ben Levi that with each of the ten plagues the Egyptians suffered also from pestilence (Shemot Rabbah 10. 1) may be intended as an explanation of this passage. It may be that R. Joshua could only explain the reference to *deber* (murrain) as meaning "pestilence" rather than "murrain," and that since it was mentioned so prominently in M, he presumed that it accompanied each of the ten plagues. This interpretation is supported by R. Aaron Ha-Kohen of Lunel (Orhot Hayyim, I, 83A), and the author of Kol Bo.

[45] It is particularly difficult to explain this passage in view of the fact that the verse cited in support of the interpretation that "arm" means "the sword," does not contain the word "arm" but only the word "hand." To overcome this difficulty several commentators indicate that the word on which the author relies to prove the interference of the "sword" in the Exodus, is *Netuyah* "outstretched," which occurs in both verses.

[46] Pesikta of R. Kahana VII, ed. Buber, 65a; Pesikta Rabbati XVII, ed. Friedmann, 88a. This interpretation is that most generally accepted; see Orhot Hayyim, loc. cit.; Kol Bo, ad loc.; Shibbale Ha-Leket, ed. Buber, 97a; and M. Friedmann, Meir 'Ayyin 'al Seder ve-Hagaddah, 101.

be brought in at the feast of the Exodus; especially as there is no other verse cited from the Hagiographa in the whole comment?

The answers given to these questions can only be tentative. I believe that in these comments the High Priest was indicating as carefully as he could his real purpose in formulating M. He was in fact trying to arouse the people to resistance against the Egyptians; and it was for that very reason that the tale of the ancient Exodus was to be formulated so effectively. The assembled people were to be taught that ancient Egypt had been defeated in two ways: through the murrain which God sent upon their cattle, and through armed battle.[47] That the latter teaching was without support in Scripture was a matter of little concern to an author who did not hesitate to give his own interpretation to an explicit verse.

The verse cited from Chronicles may have been especially attractive to the High Priestly compiler because it recalled a sin of David, and thus reflected ill on the Davidic dynasty. We know from Deutero-Zechariah (12. 12) that the family of David played an important rôle in the second century B.C. and indeed remnants of the family were pointed out centuries later. It suited the interests of the High Priestly dynasty admirably to use the occasion of the Passover to cast reflections on the rival House of David.

Appendix II. The Relation of the Midrash to Rabbinic Literature

The Rabbinic Sages, who accepted M as part of the Passover Haggadah, seem to have felt that it originated in patrician circles. We have noted that M is cited intact by the Mekilta on Deuteronomy,[48] which was the work of the patrician school of R. Ishmael; but is rejected, at least in part, by the Sifre on Deuteronomy, which is the work of the plebeian school of

[47] This interpretation is apparently put on the passage also by E. D. Goldschmidt in his Die Pessach-Haggada, p. 56, note 1.

[48] Preserved in Midrash Ha-Gadol, and printed therefrom in Midrash Tannaim 26. 5–8, pp. 172–173. For the patrician origin of the Mekilta on Deuteronomy see D. Hoffmann, Einleitung in die halachischen Midrashim, Berlin, 1887, pp. 72 ff., and also his introduction to the edition of the Midrash Tannaim.